VITTI & VITTI & ASSOCIATES, P.C. et al v. UNITED STATES DEPARTMENT OF VETERANS AFFAIRS 12-CV-P5954tt. 8

FILED

JUL 2 2 2013

U.S. COURT OF FEDERAL CLAIMS

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

VITTI & VITTI & ASSOCIATES, P.C. Successors in interest to Louis P. Vitti &Associates, P.C., Louis P. Vitti and Edith Moen Vitti

No. 13-459C Judge Susan G. Braden

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THE UNITED STATES

v.

CLERK, U.S. DISTRICT COURT WEST. DIST. OF PENNSYLVANIA

AMENDED COMPLAINT

NOW, come the Plaintiffs, Vitti & Vitti & Associates, P.C., Louis P. Vitti (hereinafter referred to as "LPV") and Edith Moen Vitti (hereinafter referred to as "EMV"), (Plaintiffs collectively hereinafter referred to as "Vitti") by and through their attorneys Louis P. Vitti, Esquire, and Vitti & Vitti & Associates, P.C., and file this Amended Complaint whereof the following is a statement:

1. Plaintiffs come now to this Honorable Court and request judgment with regard to money that is due and owing to the Plaintiffs LPV and EMV by virtue of the acts of the Defendant, negligence of the Defendant, failure of the Defendant to perform as required and denial of the claim of the Plaintiffs in the appropriate administrative proceeding.

PARTIES

- 2. LPV and EMV are individuals residing in the Commonwealth of Pennsylvania with a mailing address of 215 Fourth Avenue, Pittsburgh, PA 15222.
- 3. Defendant United States Department of Veteran's Affairs (hereinafter referred to as "VA") is a federal governmental agency located at 810 Vermont Avenue Northwest, Washington, D.C. 20420, which, inter alia, manages real property purchased by veterans.

JURISDICTION AND VENUE

- 4. This Court has jurisdiction over this case pursuant to 20 U.S.C. §1332; 28 U.S.C. 1346(b) §2675; 28 U.S.C. §2401.
 - 5. Venue is proper in this Court pursuant to 28 U.S.C. §1391(c)(1) and (e).

HISTORY OF THE CASE

- 6. Parties making the claim as Plaintiffs are Edith Moen Vitti and Louis P. Vitti, real parties in interest, with an address for purposes of this proceeding at 215 Fourth Avenue, Pittsburgh, PA 15222.
- 7. The proprietary interest in the property arises from the obligation of attorney Louis P. Vitti to indemnify Pennsylvania Housing Finance Agency (hereinafter referred to as "PHFA") after reconveyance of title to the property at 2116 Walton Avenue, Pittsburgh, PA 15210, Allegheny County, and Commonwealth of Pennsylvania.
- 8. By virtue of a contract with the VA, the PHFA services mortgages which are ultimately guaranteed by the VA.
 - 9. Vitti representes the PHFA when it is necessary for the PHFA to commence

foreclosure proceedings against properties for which there is a VA guarantee.

- 10. With respect to the property at issue here, Vitti represented the PHFA in a foreclosure proceeding and secured an order and judgment in foreclosure in favor of the PHFA.
- 11. Thereafter, the property subject to the foreclosure was sold at a sheriff's sale on the 10th day of October, 2009.
- 12. Pursuant to a contract between the PHFA and the VA, once the property is recovered in foreclosure, the VA purchases the property from the PHFA. For its part, the PHFA under this agreement is to provide clear title to properties which have gone through foreclosure to the VA. The VA then disposes of the property.
- 13. This arrangement is accomplished by a transfer of the title from the PHFA to the VA. However, that transfer is itself conditional on the PHFA having secured good and marketable title through the foreclosure procedure.
- 14. Pursuant to the agreements between the VA and the PHFA, in the event that clear title is not provided, and the VA cannot dispose of the properties, the VA is entitled to return the properties to the PHFA and cause the PHFA to refund the money paid to it by the VA.
- 15. Pursuant to the arrangement between Vitti and the PHFA, if a property is returned to the PHFA, as a result in a defect in the foreclosure proceedings, Vitti is required to indemnify the PHFA for the loss suffered by the PHFA when the VA returned the property.
- 16. Implicit and perhaps explicitly inherent in the contractual obligations between the VA and the PHFA, is that each will act to preserved the property, when the property is in the care,

custody, control of the entity.

- 17. In this case, it turned out that there was an impediment to the title following the foreclosure proceeding and the VA elected to pursue its right under its contract with the PHFA to return the property to the PHFA. In turn, the PHFA compelled Vitti to indemnify it for the injuries it suffered.
- 18. The Defendant VA is the entity that elected to reconvey the property because of title issues that were resolved, however, an issue regarding the timeliness of such resolution resulted in the decision by Defendant for reconveyance.
- 19. On August 11, 2009, at the time appraiser Harry James Smeltzer provided a value for the property in an amount of \$48,000.00 (See Exhibit "A").
- 20. This was the price the VA paid to the PHFA when the property was conveyed to the VA.
- 21. Subsequent to the appraiser evaluation, the Defendant VA took possession of the property and relieved the servicer PHFA of the obligation to secure the property.
- 22. The file was received in the REO Department of PHFA on October 5, 2009 and forcedplaced insurance covered the property at that time.
- 23. On October 21, 2009, the Defendant VA paid the net value to PHFA; the insurance was cancelled since the Defendant VA had assumed responsibility for the property.
- 24. Defendant VA did not obtain, procure or maintain proper insurance on the property once it was in the Defendant VA's possession.
 - 25. Defendant VA did not properly secure the property to protect the property from

damage or vandalism.

- 26. Inspections were conducted on the property October 5, 2009 and the property was vacant, locked, electricity turned off, water turned off, fair condition and winterized.
- 27. A second inspection was done on October 13, 2009 showing the property secure. There was no mention of any damages to the property in the appraisal completed August 22, 2009 (See Exhibit "B").
- 28. After it acquired title, the VA discovered that there were impediments to conveyance and thereafter exercised its rights under its contract with the PHFA to require the PHFA to retake the property.
- 29. Hence, under the contract between the VA and the PHFA, the PHFA was required to accept the return of property and refund the VA the sum of \$48,000.00 for the value of the property.
- 30. At this time, the PHFA sought indeminifaction from Vitti for its loss, and conveyed the property to Vitti, who in turn had to pay the PHFA the sum of \$48,000.00.
- 31. During this time, before the property was returned to the PHFA and Vitti became the owner of the property, the VA failed to exercise its implied and explicit duties and obligations under its agreement with the PHFA, to insure the property was maintained and not vandalized.

- 32. Subsequent to the reconveyance, an appraisal in the nature of a Broker's Price Opinion has been performed on the property by one Richard Creo and the value of the property is shown at \$24,900.00 (See Exhibit "C").
- 33. During the period of time between November 2009 and a final inspection December 28, 2010, while in the care and custody of the Defendant VA, the property was vandalized and damage suffered in the amounts reflected in both the appraisals and the estimates of repair attached hereto (See Exhibit "D"). In fact, due to the negligence of the VA with respect to the way it handled the property in this time, the property was vandalized and suffered a dimunition in value.
- 34. A claim was filed with the Department of Veteran's Affairs and was denied May 24, 2012 (See Exhibit "E"). No reconsideration was formally requested and this claim is filed within the six month time period.

COUNT I (Negligence)

- 35. Plaintiffs incorporate by reference thereto the allegations contained in the preceding paragraphs as if set forth fully herein.
- 36. Defendant VA owed a contractual duty to the PHFA to preserve the property while it was in its possession, custody, control, in the event that the property was going to be returned to the PHFA. Specifically, the VA had an obligation to secure the property in such a way as to preserve its value and prevent vandals from entering the property and taking copper pipes, or in the alternative be responsible for any diminution in value.
 - 37. In fact, the VA did not so maintain the property as alleged above. Due to the negligent

manner in which it performed its contractual duties, the property was vandalized. Consequently, it breached its duty to the PHFA.

- 38. Section 324 of the Restatement of Torts (2nd) provides that when a party undertakes certain contractual duties, it is liable to third persons regardless of any privity of contract who might be injured as a result of the party's failure to properly perform its contractual duties and undertakings. In this case, the VA owed a duty beyond the terms of its contact with the PHFA to persons such as the Vittis to preserve the property while it was in its possession.
- 39. Defendant VA failed to meet the obligation to the Vittis, and as a proximate cause and by virtue of its actions or failure to act and the failure to secure and protect the property value decreased as set forth in the exhibits attached hereto.
- 40. The negligence of the Defendant VA constituted a breach of contract to the PHFA to maintain in that the property conveyed was valued significantly lower than the agreed upon sales price and/or value as conveyed to the Defendant VA and consequently it is liable in Tort to Vitti. Evans v Otis Elevator Co., 403 PA 13, 18-19 168 A.2d 573 (1961).
- As a direct and proximate result of the actions of the Defendant VA, the property, valued at or near the time of the transfer, was valued at a significantly lower amount, and the decrease in value was a direct and proximate result of the actions and negligent failure to act of the Defendant VA to preseve the property.
- 42. As a direct and proximate result of the Defendant VA's negligence, EMV and LPV have been damaged in an amount not less that the difference in the values as set forth above in the

amount of Twenty-Three Thousand Nine Hundred and 00/100 (\$23,900.00) Dollars plus the cost of repair attached hereto.

COUNT II (Breach of Contract)

43. By virtue of the actions of the Defendant VA in failing to exercise their duties and responsibilities, Plaintiffs were compelled to employ and repair the premises by having contractors appear who removed the drywall surrounding the area where the copper pipes had been located and replace the stolen copper pipe with new copper pipe, all to the great damage and loss of Plaintiffs.

COUNT III (Declaratory Judgment)

- 44. Plaintiffs incorporate by reference thereto the allegations contained in the preceding paragraphs as if set forth fully herein.
- 45. Plaintiffs allege that the parties in the instant lawsuit have adverse legal interests of sufficient controversy, and such adverse interests are of sufficient immediacy and reality to warrant a declaratory judgment.
- 46. Plaintiffs further set forth that the Defendant VA had an obligation to deliver the property in essentially the same condition that it represented, and that which it was received, and that the Defendant VA did not convey to the Plaintiffs the property in the condition that it represented the property would remain or that it had been provided to the Defendant VA.
- 47. The Defendant VA has demanded reimbursement for damages it has suffered, when in fact the damages were borne by the Plaintiffs and were the direct and proximate result of the actions of the Defendant VA.

WHEREFORE, Plaintiffs Louis P. Vitti and Edith M. Vitti request this Honorable Court enter an award of damages to the Plaintiffs in an amount of Twenty-Three Thousand Nine Hundred and 00/100 (\$23,900.00) Dollars plus the costs of repair of Eighteen Thousand Five Hundred (\$18,500.00) Dollars for a total of Forty Two Thousand Four Hundred and 00/100 (\$42,400.00) Dollars, or in the alternative, the sum of Forty-Eight Thousand and 00/100 (\$48,000.00) Dollars, the value in question and reconvey the property to Defendant VA.

Respectfully submitted:

Louis P. Vitti, Esquire PA Attorney ID No. 01072 Plaintiff/Attorney for Plaintiffs

Vitti & Vitti & Associates, P.C. 215 Fourth Avenue Pittsburgh, PA 15222 (412) 281-1725

Smeltzer Appnisal Service (124)738-4565
Uniform Residential Appraisal Report



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Freddie Mac Form 70 March 2005

Page 1 of 6

Famile Mae Form 1004 March 2005



File No. 92076 Page #2

Uniform Residential Appraisal Report

11-11-6-0247126 Fb:# 92076

here are 21 compete	ble properties contently	ethered by sale in the	e subject peiglibority	ood rancing in pri	ce Irom \$ 40,000	10\$ 60	
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Page 2 of **6**



File No. 92076 Page #8

Uniform Residential Appraisal Report

11-11-6-0247126 FNr# 92076

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The income and cost approaches would not add to the reliability of the repo	n, and have not been perfo	enned as a c	er of this approve	
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Uniform Residential Appraisal Report

11-11-8-0247126

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications, Modifications, additions, or deterions to the intended use, definition of market value, or essumptions and fimiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraisar's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

INTENDED USE: The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this appraisal report is the lender/client.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a compatitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implich in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well sovised, and each acting in what he or she considers his or her own best interest; (3) a parties are well informed or well sovised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollers or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concassions" granted by anyone associated with the sale.

*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by seliers as a result of tradition or law in a market area; these costs are readily identifiable since the saler pays these costs in virtually all sales transactions. Special or creative financing readily identifiable since the saler pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional londer that is not stready involved in the property or transaction. Any adjustment should not be calculated on a mechanical delier for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title
 to it, except for information that he or she became aware of during the research involved in performing this appraisal. The
 appraiser assumes that the title is good and marketable and will not render any opinions about the title.
- 2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination
- 3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- 4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or so otherwise required by law.
- 5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing the appraisal. Unless eitherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warrantes, express or implied. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property.
- 6. The appraiser has based his or her appraisal report and valuation conclusion for an appraisal that is subject to satisfactory completion, repairs, or alterations on the assumption that the completion, repairs, or alterations of the subject property will be performed in a professional manner.

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He No. 92076 Page #5

Uniform Residential Appraisal Report

11-11-6-0247126 File# 92076

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that

- . I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in
- I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition
 of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the
 livability, soundness, or structural integrity of the property.
- I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
- 5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the offective date of this appraisal, unless otherwise indicated in this report.
- 6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
- 7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
- 8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
- I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
- 10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
- I have knowledge and experience in appraising this type of property in this market area.
- 12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
- 13. I obtained the Information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
- 14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
- 16. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
- 16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
- 17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not bese, either partially or completely, my analysis ant/or opinion of market value in this appraisal report on the race, color, religion, sax, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
- 18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending
- 19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individual or individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(a) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any tiem in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
- 20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.

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Uniform Residential Appraisal Report

11-11-5-0247126 Fib.# 92076

- 21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgages or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; date collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other modia).
- 22. I am aware that any disclosure or distribution of this appraisal report by me or the lander/client may be subject to certain lews and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
- 23. The borrower, another lander at the request of the borrower, the mortgages or its successors and assigns, mortgage insurers, government sponsored enterprises, and other accondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.
- 24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable lederal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, antorceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.
- 25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraisar certifies and agrees that:

- I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- t accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
- The appreiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraisar (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
- 4. This appraisal report compiles with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- 5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state lews (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

APPRAISER Signature Name Herry J. S. Marcel, T. M. Company Name Smetzer Appraise Statute Smetzer Appraise Statute	SUPERVISORY APPRAISER (ONLY IF REQUIRED) Signature Name Company Name Company Address
Telephone Number (724) 695-2007 Email Address 4503 Northyldre Ct, Manyayite, PA 16968 Telephone Number (724) 695-2007 Email Address his2162compaslane(Date of Signature and Report August 31, 2008 Effective Date of Appraisal 8/22/2009 State Certification # RL001972L or State License # or Other (describe) State # State PA Expiration Date of Certification or Lipense 6/30/2011 ADDRESS OF PROPERTY APPRAISED 2116 Wellon Ave Pricourgh, PA 15210-4148 APPRAISED VALUE OF SUBJECT PROPERTY \$ 48,000 LENDER/CLIENT Name Company Name Department of Veterane Affairs Company Address INTENDED USER ANY VA APPROVED LENDER Email Address	Telephone Number Emeil Address Date of Signature State Certification # or State License # State Expiration Date of Certification or License SUBJECT PROPERTY Did not inspect subject property Did inspect exterior of subject property from street Date of inspection Did inspect interior and exterior of subject property Date of inspection COMPARABLE SALES Did not inspect exterior of comparable sales from street Date of inspection

Freddie Mac Form 70 March 2005

Page 6 of 6

Fannle Mae Form 1004 March 2005

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Form 1004MC2--- "WinTOTAL" appreisal software by a lip mode, Inc. --- 1-80C-AL4MODE

Page 1 of 1

Email Address http://www.mcast.net

Email Address

Fannie Mae Form 1004MC Merch 2009

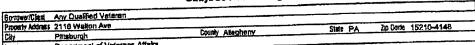
File No. 92076| Page #8

			92076	
LIQUIDATION APPRAISAL ADDENDUM	Casa No	.: <u>11-11-8-02471</u>		
Address: 2118 Waiton Ave Legal Description: DBV 9780 P.633	City: Pittsburgh		PA Zip Code: y: Allegheny	15210-4148
	phow at least three earnast aff	empts)		
Thomas Change	Contact	Compa	ris	1
Date Time Prope				
8				
PROPERTY IS: Vacant Cocupied Secured REPAIRS NEEDED? No Yes (indicate emergency repr	ine with an asterlak hy the mur	pe)		Estimated
BEPAIRS NEEDED? No Pes (indicate emergency repair	All Miles and Address of any	VA MPR	Estimated	Contributory
* Description		Violation	Cost	Value
Date of winterization is unknown. The subject appears to have	ro been winterized (tened			
2. toket yest, utilities off) but a definitive at a tomer's paranol be mu				
4 White carrier cleaning and painting would likely increase the y	alus of the subject			
5. beyond cost, the repairs are not deemed "necessary".				
7.				
8.				
10.		Totals	-	;
ANALYSIS OF LISTINGS AND OFFERS:				
ND. 1 Address: 443 Overbrook Blvd	rs List or Sales Price Presid	er List or Sales Date	Cays on Market	
CONTEST CANADADATIAN AND AND AND AND AND AND AND AND AND A	48 000	7/8/2009	120	
Comparison Willi Subject: The comparable is similar in GLA, is of	brick construction, has an	updated kilichen er	ed bath, no finishe	d attic and no
Inshed basement.				
NO. 2 Address: 2317 Almont Ave Current List or Sales Prica Current List or Sales Date Previous	us List or Sales Price Previo	ers List or Sales Date	Days on Marke	l
The made	65.000	B/27/2008	680	
Comparison with Subject Larger GLA (150 s[Jarger) with superior	or 3 bedrooms, no faished	basement, and an	Integral 1 car gar	890.
*				
Mo 9 Mary 2017 Environ SI				
NO. 3 Address: 2327 Fathend St. Current list or Sales Price Current list or Sales Date Provide	us list or Salas Price. Preedi	nus List or Sales Date	Days on Mark	
Current List or Swies Price Current List or Sales Onte Provin	64.900	nus List or Sales Date 6/5/2009	440	
Current List or Sales Price Current List or Sales Date Provid	64.900	nus List or Sales Date 6/5/2009	440	
Current List or Swies Price Current List or Sales Onte Provin	64.900	nus List or Sales Date 6/5/2009	440	
Current List or Swies Price Current List or Sales Onte Provin	64.900	nus List or Sales Date 6/5/2009	440	
Current List or Seles Price Current List or Seles Date Previor \$ 58,500 777/2009 \$ Comparison with Subject Larger GLA (175 sf larger) with superior	64.900	nus List or Sales Date 6/5/2009	440	
Current List or Swies Price Current List or Sales Onte Provin	64.900	nus List or Sales Date 6/5/2009	440	
Comparison with Subject: Larger GLA (176 si larger) with superi	64.900	nus List or Sales Date 6/5/2009	440	
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Comparison with Subject: Larger GLA (176 si larger) with superi	64.900	nus List or Sales Date 6/5/2009	440	
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Current List or Sales Price Current List or Sales Date Pravio \$ 58,500 7/1/2009 \$ Comparison with Subject: Larger GLA (175 st larger) with superior	64.900	nus List or Sales Date 6/5/2009	440	
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Form VA3 — "WinTOTAL" appraisal software by a la mode, inc. — 1-800-ALAMODE

Subject Photo Page







Subject Front

2116 Walton Ave
Salos Price
NA
Bross Living Area
1,056
Total Rooms
6
Total Betrioroms
2
Total Betrioroms
1
Loestion
Average
View Residential
Sie 37X1D0/Avg
Quelty Brick/Avg
Age 79

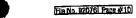


Subject Rear



Subject Street

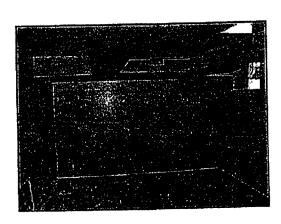




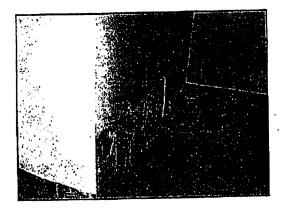
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Berrowec/Clerk	Any Qualified Veteren			
Property Address	2118 Walton Ave	A	State PA Zp Cod	16210-4148
City	Pittsburgh	County Alleghers'		
Lacuter	Dangtonent of Veterans Affairs		······································	



Missing shingles on domer!

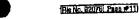


Basement finish: drywali walks and celling; no carpating; praffiti on wall

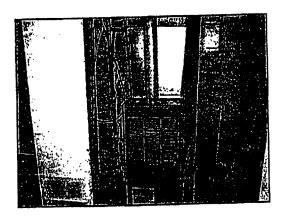


Damagaci drywsli in besement

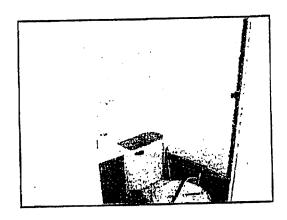
Photograph Addendum



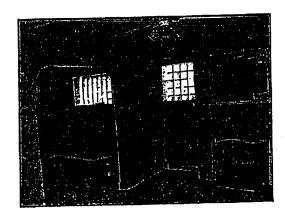
•	_	•	
		_	
The state of the state of the same			
Borrowe/Chen Any Quaffied Veteran			
Warner Address CAR Markon Aven			1000 1110
Properly Address 2116 Walton Ave			State PA Zp Cods 15210-4148
	County	ARE	oneny visit it
URY PROSPORT			
Lunder Department of Veterans Affairs			



Furnace



Besoment both with demaged drywall



Living room

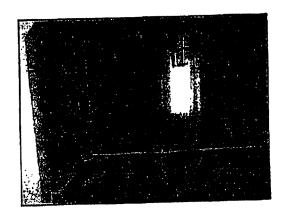
Form GPICPIX — "Wattotal," appraisal software by a la mede, inc. — 1-800-ALARGORE

Photograph Addendum

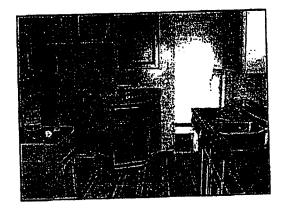


File No. 120761 Page #12

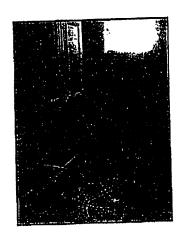
BornwerClani Any Qualified Veteran	
Property Address 2118 Walton Ave State PA Zip Code 15210-	
Properly Address 2116 Walton Ave County Alterbarry State PA Jp Code: 15210-	
County Allegheny . Sells PA	
City Pittsburgh County County County	
City Physburgh	
Density of Veterans Affairs	
11 de Dengdoning of Valorans August	



Dining room



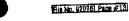
Kitchen - one mismetched counter top.



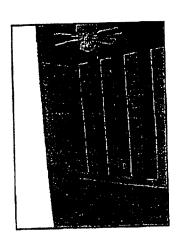
2nd floor bath

Form GPTCPIX — "YintOTAL" appraisal software by a 12 mode, Inc. — 1-830-ALAMODE

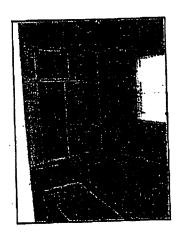




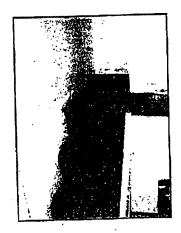
•			
70 - 1 Veteren			
Bonows/Clant Any Qualified Veteran			
Demarks Address 2448 Walton Ave		Carlo Date	Zip Code 15210-4148
Property Address 2116 Walton Ave	County Alleghony	State PA	10 COUR 102 10-1-1-10
City Pittsburgh	Civany / Van Hill Still		1



Bedroom



DOMES Designer dies mambes



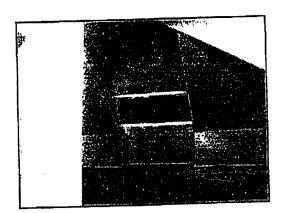
darmow stairway to attic



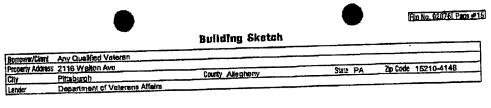
File No. 92076 Page #14

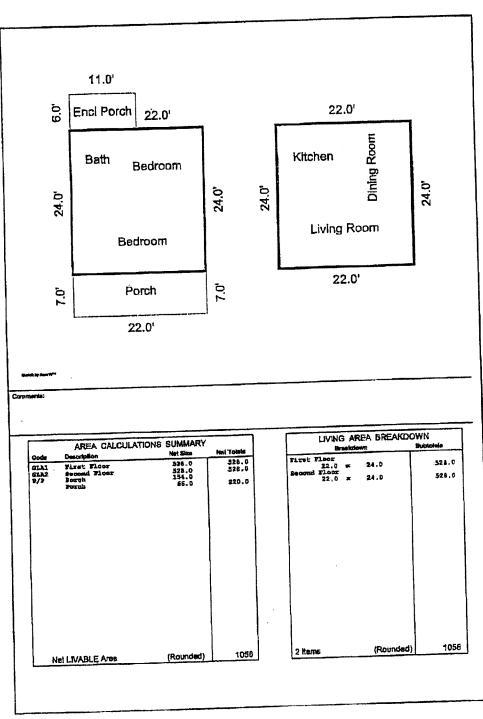
Photograph Addendum

4148
4 140

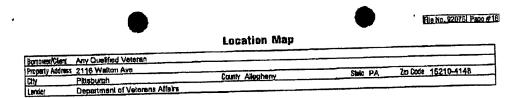


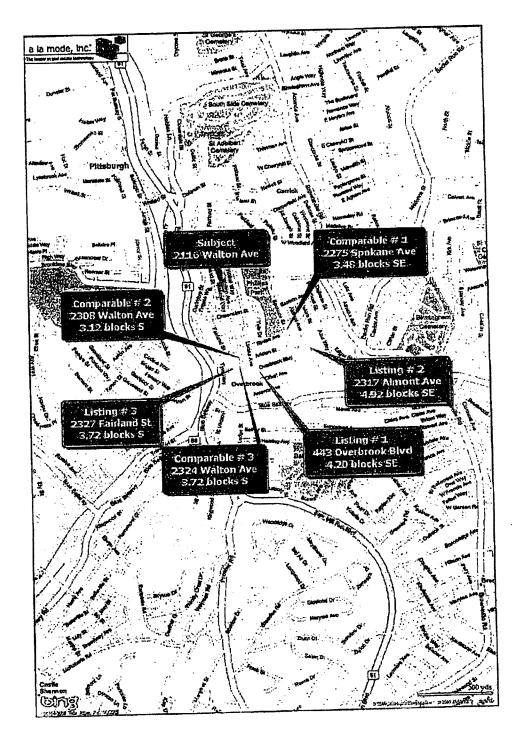
Finished, unheeted attic





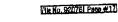
Form SKT.Blaski — "WinTOTAL" appraisal software by a tamode, Inc. — 1-800-ALAMODE



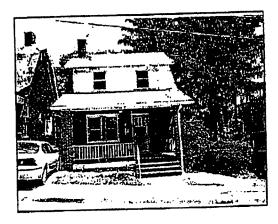


Figur MAPLOC — "Worl OTAL" appraisal exitware by a farmode, Inc. — 1-800-ALAMODE





Borrows/Client Any Qualified Veteran		
Property Address 2118 Welton Ave		State PA Zin Code 16210-4148
City Prisburgh	County Alienthemy	<u> </u>
Department of Velepors Affairs		



Comparable 1

2275 Spokane Ave 3.48 blocks SE Prox. to Subject 53,000 Bross Living Area 1,000 Total Rooms Total Bedrooms Total Bailyooms Average Residential Location Well 25X100/Avg 5Ne Brick/Skiling/Avg Quality Ape



Comparable 2

2308 Walton Ave 3,12 blocks 5 Prez. to Bubject 60,000 Sale Price Bross Living Ania 950 Total Rooms Tolal Ballycours Location Residential View Site 25X100/Avg Skiling/Sup Duality **B1**



Comparable 3

2324 Walton Ave 3.72 blocks 8 Prost to Bob/scl 48,000 Salo Price Gross Living Area B50 Total Rooms Total Badroons Total Bathrooms Average Residential Location View 37X100/Avg Cuntily Brick/Siding/Avg Age

The Appraisal System





Page 1 of 2

RESPONDENT BURDEN: We need this information to request an appraisal on the property for which VA guarantee of the toen is requested (38 U.S.C. 3701(b)). Title 38, United States Code, allows us to ask for this information. We estimate that you will need an average of 12 minutes to review the instructions, find the information, and complate this form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB numbers can be located on the OMB internet Page at www.whitehouse.gov/omb/library/OMBINV.VA.EPA.htmi&VA. It desired, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form. Your obligation to respond is required to obtain or retain this benefit.

OMB Approved No.: 2800-0045 Respondent Burden: 12 minutes

Departn Veterans	nent of	VA REC	QUEST FOR I	ETERMINATI LUE (Real Es	1. Case Number — LGI 11-11-6-0247126				
veterans	AIIAIIS	NEA-				4. Title Limits & Res	trictive		
2. Property Addres 2116 WALTON AV MOUNT OLIVER, I ALLEGHENY	ENUE		3. Legal Description 2116 Walton Aven	nu s	Covenants				
s Name and Addr	ess of Firm or Pers	on Making	6. Lot Dimensions	: 1. irreguler/Squi	are Fest: 2. Acres	s:			
Request/Application PA HOUSING FIN 211 NORTH FROM	ANCE AGENCY VT STREET	<i>ie)</i>	7.Utilties						
HARRISBURG , P. E.Maii: kayala@ph	A 17101 Ma.org		8, Equip.:			13A, Street Access			
9. Building Status		10. Building Type:		112A_ No. of Bidgs: 112B. No. of Living	Units: 1	13B. Street Maint.:	•		
Existing		11. Factory Fabric		Danama'					
14A. Construction	Warrenty included	?	14B. Name of Wa		ha di				
14C. Expiration De	ite:			15, Constr. Compl	17. Property:				
16, Name of Owne 2116 WALTON AV	er. Carmen A. M	MILLER RGH, PA 15210							
18. Rent	19. Keys Al: 211	I. FRONT ST, HBC	S, PA		20. Telephone No	.: (717)780-1815			
	21. Name of Broke				22. Telephone No).:			
23. Date and Time				24. Mobile Home	Liquidation? NO				
			26. Sponsor's ide		27. Institution's C	ase No.: 631986			
25. Originator's Ide 28. Contact Perso		100	201 0,000	FOULL OP	PORTUNITY				
Home Phone: (71			religion, sex, or national origin in the state of reliably reliable in the child of section 805 of statutes and local ordinances also prohibit such discrimination. In addition, section 805 of the Civil Rights Act of 1988 prohibits discriminatory practices in connection with the financing of housing. If VA finds there is noncompliance with any antidiscrimination laws or regulations, it may discontinue business with the violator.						
20 11		D CONSTRUCTIO	N (Complete Items	29A through 29G	for new or propose	d construction cases	only.)		
	inspections Will Be		N (Complete Items 29A through 29G for new or proper 29B. Plans 28C. Plans Pr			viously Submitted Under Case No.			
29D. Name and A 29E. Telephone				29F. Name and A 29E. Telephone	Address of Warrant No.:	or			
30. Comments or	Special Assessm	ents or Home Own	er's Association Ci	nerges:		33, Leasehold Ces A. Lease is:	i 66		
31. Annual Real i	eaxe Texas	32. Mineral Right	s Reserved?			B. Expires: C. Annual Ground Rent:			
34. Sale Price of Property 34A. Is Buyer Pu Separately?			rchasing Lot 35. Refinancing-Amount of Proposed Loan:			36. Proposed Sale Contract Attached?			
		CE	RTIFICATIONS FO	R SUBMISSIONS	TO VA				
CERTIFICATION I hereby certify the	i, we agree to forwi REQUIRED ON C lat plans and speci lose, anomyed by	able Value" or advi and to the appraise CONSTRUCTION L fications and relate FHA, and that FHA	ce from the Depart r the approved fee JNDER FHA SUPE and exhibits including this pections have	tment of Veteran's / which we are holding	Affairs that a "Certing for this purpose than the Orders. If a	nv. supplied to VA in			
insurance on this	basis of proposed	construction unde	1 SEU.	39. True:		<u> </u>	41. Date		
38. Signature of I KIMBERLEY AY	Person Authorizing	This Request	()	40. Telephone N	lumber: (717)780-1		08/11/2009		
4	nment: 08/11/2000		(O) (724)695-20	praiser: (0078) HAI 307 E.Mail: hja21@	comcastnet				
WARNING: Section	ion 1010 of title 18 etement knowing th	, U.S.C. provides " ne same to be false		was and landingly	a auch Administrat	tion makes, passe at more than two yea	s, utters or rs or both.		

VA FORM AUG 2007 26-1805-1

LGI Case: 11-11-6-0247126

8/11/2009

The Appraisal System





Page 2 of 2

Date: 08/11/2009

Requester Data: Servicer. 6070030000

717-780-1815 - Ayala

Case Description

Address:

2116 WALTON AVENUE MOUNT OLIVER, PA 15210

County:

ALLEGHENY

Owner:

CARMEN A. MILLER

Sales Date:

10/05/2009

Appraiser Data

Appraisers Assigned: 1

0078

Address:

HARRY J. SMELTZER

707 LINDENWOOD DR

CDRAOPOLIS, PA 15108

Office Phone: Cell Phone: (724)-695-2007

FAX:

(724)-494-3532 (724)-695-2007

E-Mall:

hjs21@comcast.net

Inspector Date

Inspectors Assigned: 0

Return to Assignment - Single Property



631984 Miller

PROPERTY INSPECTION REPORT

ADDRESS: 2116 WACTON
CUSTOMER: PHFA
An inspection was performed at this property on 18 0 c 7 39 at 10 1 TAMPM:
Property listed for sale by:Phone:
OCCUPANCY: Mortgagor Tenant Unknown Vacant: 24 Hour posting Yes No.
Utilities: GAS On Off Locked Du Electric: On Off Water On Off Well Yes No
Overall appearance of building: Excellent Good Fair Poor
Type of home: Ranch 1 Sty Sty 2.5 Sty Wood Wood W/siding Brick Other
Foundation: Concrete block Sandstone Concrete
Is lawn being maintained: Yes No Grass height:
Any visible hazards or damage present: Yes No 'If yes explain:
Any visible postings on the property? If yes what are they:
Complete only if previously winterized by another company
Winterized stickers put on front door and interior of property? Yes No
Reasons for re-winterizing this property: Water present in lines? Yes No
Antifreeze present? Yes No Water closets taped shut? Yes No HW Tank drained? Yes No
Services completed on this date:
Winterized? Yes No Lock Changed? Yes No Other:
Rekeyed to kwiksat code number: Look box code;
Locks: Front: KDMRP Side: KDMRP Hear: KDMRP Other: KDMRP
Inspector: 130cT 09
Inspector's signature Date of inspection
2925 Merwyn Ave., Pittsburgh, PA. 15204 Phone: (412)771-9172 FAX (412)331-8003 Revised 01/05 Email: Inspector@REOScryicingltd.Com

Broker Price Opinion

		DECC			0116	XX7 1:		D:44.1	1_ D	. 1	5010							
					Walton Ave, Pittsburgh, PA BORROWER:				1 1	5210								
REO #:																		
Most Recent	Listin	g Histo	ry	Fre	om 2/	10/20	10		To2/10/2	201	10 Listed at \$24900							
												1						······································
I. GENE	RAL N	(ARK	ET C	ON	DITI	ONS												
Current market o	ondition	:				Depre	essed		⊠ s	low			Stable	☐ Im	proving		Excell	ent
		<u> </u>	······		L									<u> </u>				
II. SUBJE	CT M	ARKE	TAB	ILI	TY													
Normal marketin	g time ir	the area	is:	112	2	d	ays.											
Marketability of						e:	xcellent				good		×	fair		poor.		
Unit Type:	suojeot p		House	,		Cond	0 🔲	Tov	vnhouse	T	j	Multi-f	amily (#.	of units)			Modul	ar
Onk Type.	i									1								×
III. COMP	ETITI	VE CO	NTI	2 & 4	ст О	RREL	TNCS	OR I	ISTING	2.5								
ITEM	LAILA		UBJE	-			OMPAR			<u> </u>		OMP	RABI	E NO. 2	T	COMP	ARABI	E NO. 3
Address		2116 V			ve .	1421 Nobles Lane, Pittsburgh,			h.	141 Linnview, Pittsburgh, PA				2229	2229 Lutz Ave, Pittsburgh, PA			
Address		Pittsbu			,	PA 15210					15210				1521	0		
		15210													ļ			
Proximity to S	ubj.					.8 mile					.1 mile					nile		
Current Price S	3					12900				12000					19900			
List Date /DO!	M					10/24/10 6413				6/28/10 – 182				1	/10 - 20)		
Lot Size		3850st	f			3786	sf				4900				6435			
Room Count		Total	Bdms	T	Baths	Tot	Bdms	Bat	Fair		Tot al	Bdm	Bat hs	Fair condition	Tot al	Bdms	Baths	Good
				4_		al		hs	conditio	n			1 1	O	6	3	+-1	condition -10000
Room Count		6	3	چلِ	1	6	3	1	0		6	2		0	10		Sq. Ft.	0
Gross Living A	\rea		137	5 50	q. Ft.		1176 S	q. Ft.	800		L	1330	Sq. Ft.	<u> </u>	<u> </u>	1330	Sq. Ft.	
COMMENTS																		
COMP #1:									ss sq foo	otaç	ge							
COMP #2:							ameniti	es										
COMP #3:	Supe	rior con	dition	Wi	tn a g	arage												
IV. COM	PETIT	IVE C	20. Г	rn	SAT	ES												
ITEM	T L I I I		UBJE		JAL		OMPARA	ARIE	NO 1	Т		OMP	ARARI	E NO. 2	T	COM	PARAB	LE NO. 3
Address		2116 \			ve.					十	22161	Lutz A	ve., Pit	sburgh, PA	201			sburgh, PA
Pittsbu				,	2549 Homehurst St., Pittsburgh, PA 15234					15210				152	15210			

IV. COMETI.	Т							T					20110		ENIO A	
ITEM	5	SUBJEC	T	COMPARABLE NO. 1				COMPARABLE NO. 2					COMPARABLE NO. 3			
Address	1	Walton ourgh, P.	•			urst St., A 1523		2216 Lutz Ave., Pittsburgh, PA 2012 Dellrose, I 15210					se, Pitts	burgh, PA		
Proximity to Subj.				1 mile				.85 mile				.85 mile				
Sales Price \$				15000				25000				35000				
Date of Sale /DOM				7/26/10 – 151				8/26/10 - 101				12/15/10 - 128				
Lot Size	3850	sf		3250 sf			3510 sf				2760 sf					
Room Count	Total	Bdms	Baths	Total	Bdms	Baths	Poor condition	Total	Bdms	Baths	Fair condition	T ot al	Bdms	Baths	Good condition	
Room Count	6	3	1	6	3	1	10000	6	3	1	0	6	3	2	-11000	
Gross Living Area	1375 Sq. Ft.			1560 Sq. Ft800			1178 Sq. Ft. 800			1375 Sq. Ft. 0			0			

COMMENTS	: Please describe the condition of the comparables.
COMP #1:	Inferior condition with more sq footage and similar amenities
COMP #2:	Similar condition and amenities with slightly less sq footage
COMP #3:	Superior condition with 2 nd full bath and 2 car detached garage

V. ESTIMATED CLOSING COSTS / REPAIRS NOTED

Market Value

Agent's Signature

Gross Estimated	Closing Costs	0		
Gross Amount of I	Repairs Needed	\$7000		
List of Repairs (if	necessary)	Replace plumbing and repair damaged walls and kitchen cuberts		
When all the copper plumbing was removed from the subject, damage was done some walls and ceilings.				
Continued	kitchen sink area	was removed and must be reinstalled.		

VI. THE MARKET VALUE must fall within the indicated value of the sales used above.

THE VALUE FOR THE SUBJECT PROPERTY BASED ON 120 DAYS LIST TO CONTRACT IS:

Suggested List Price Available Financing

Broker Recommends

Marketing Either

Date

As Is	\$ 25000	\$ 28000	Conv FHA/VA Other	As Is	Ø OR
Complete Repairs	\$ 35000	\$ 38500	Estimate of Repairs: \$70000	Repairs	
COMMENTS including	specific positive on th	is property and special cor	ncerns, if any, like apparent structural issues, encro	achments, eas	ements, water rights,
propane, hazardous wast	te, flood zone, etc.) At	tach addendum if addition	nal space is needed.		
The subject appears t	to be in fair condition	on, for this neighborho	od, from an interior inspection.		
Information was obta	ained from county to	ax records and MLS.	Within 1 mile of the subject, over the last 6	months, a to	otal of 43
residential properties	sold Within the	ame criteria, there is c	currently 52 properties for sale. Of the 52, 8	are compara	able to the
subject and listed fro	m \$20,000 to \$31,5	00 The price range of	sales was		
\$6,000 to \$99,500.	The median sales pr	ice was \$31,500 and th	ne average sale price to list price ratio was 8	35%.	
	10				
Richard Creo			12/2	27/10	

2116 Walton Avenue Mt. Oliver, Allegheny County, PA 15210

ESTIMATE OF REPAIRS

Repaint Interior	\$ 5,000.00
Pull carpet and sand/finish floors	2,800.00
Restore handrail	200.00
Finish Kitchen — - replace counters - refinish cabinets	·
- paint	1,500.00
Replace appliances	1,000.00
Spiral staircase	1,000.00
Bath downstairs	5,000.00
Electric rewire	2, 000.00
Total estimate of repairs:	<u>\$18,500.00</u>



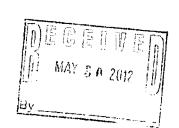
U.S. Department of Veterans Affairs Office of Regional Counsel Region 4

James C. Sinwell, Esq. Assistant Regional Counsel Direct Dial (412) 954-5174 VA Pittsburgh Healthcare System 7180 Highland Drive Pittsburgh, PA 15206-1297

May 24, 2012

Louis Vitti 215 Fourth Avenue Pittsburgh, PA 15222

Re: Administrative Claim VITTI, Louis Our File No. RC4-46262



Dear Mr. Vitti:

We have concluded our investigation of the administrative tort claim you filed, alleging the Department of Veterans Affairs was liable for the damage to a home that occurred while the property was in VA's possession prior to reconveyance to you due to insufficient title. Our investigation of the circumstances of these claims did not reveal evidence of any negligent or wrongful act or omission of any employee of the federal government acting within the scope of his office or employment resulting in harm to your client. For this reason we are denying your claim.

If you are dissatisfied with our decision, you may file a request for reconsideration of this claim with the VA General Counsel by any of the following means: (1) you may mail your request to the Department of Veterans Affairs, General Counsel (021B), 810 Vermont Avenue, N.W., Washington, DC 20420; (2) you may file your request by data facsimile (fax) to (202) 273-6385; or you may e-mail your request to OGC.torts@mail.va.gov. In order to be timely filed, the VA must receive this request prior to the expiration of six months from the date of the mailing of this final denial. Upon filing such a request for reconsideration, the VA shall have 6 months from the date of that filing in which to make a final disposition of this claim, and your option to file suit in an appropriate U.S. District Court under 28 U.S.C. §2675(a) shall not accrue until 6 months after the filing of such requests for reconsideration (28 C.F.R. §14.9). Please note that a request for reconsideration is considered to be "filed" on the date received by the General Counsel not the date mailed.

In the alternative, your attention is invited to the provisions of the Federal Tort Claims Act (28 U.S.C. §1346(b) and §2675), which provide that a tort claim, which is administratively denied, may be presented to a U.S. district court for judicial consideration. Such suit must be initiated within six (6) months after the date of mailing of this notice of final denial (28 U.S.C. §2401).

Please note that FTCA claims are governed by a combination of Federal and state laws. Some state laws may limit or bar a claim or law suit. VA attorneys handling FTCA claims work for the Federal government, and cannot provide advice regarding the impact of state laws or state filing requirements.

If you decide to initiate a suit against the Department of Veterans Affairs, you are advised that the proper defendant is the United States of America (28 U.S.C. §1346(b) and §2671, et. seq.) Should you have any questions for our office, please contact Lisa Wolfe at (412) 954-5180.

Sincerely,

James C. Sinwell

Assistant Regional Counsel

A TRUE COPY 1 2 2013

Hazel C. Keahey
Clerk, U.S. Court of Federal Claims

Deputy Clerk