SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Code Enforcement Lien – James R. Deaton (deceased), Respondent,
Rebecca Fierle, Personal Rep for Estate of James R. Deaton, Parcel # 3221 -31-502-0000-0470, 1943 Kimberwicke Cr., Oviedo, Seminole County

MOTION/RECOMMENDATION:

- (A) Approve the request to waive the Code Enforcement Board lien on case number 02-86-CEB in the amount of \$4,800.00 on the property located at 1943 Kimberwicke --- Cr, Lot 47 Foxchase Ph. 2, PB 35, Pgs 13 & 14, and authorize the Chairman to sign and execute the satisfaction of lien; or
 - (B) Approve a reduction of the Code Enforcement Board lien on case number **02-86**-CEB on the property located at 1943 Kimberwicke Cr, Lot 47 **Foxchase** Ph. 2, PB 35, Pgs 13 & 14and upon payment in full, authorize the Chairman to sign and execute the satisfaction of lien; or
 - (C) Approve a reduction to the Code Enforcement Board lien from \$ 4,800.00 to the estimated administrative costs of \$376.40 for processing Case # 02-86-CEB and upon payment in full, authorize the Chairman to sign and execute the satisfaction of lien; or
- (D) Deny the request to waive or reduce the Code Enforcement Board lien on case number 02-86-CEB on the property located at 1943 Kimberwicke Cr., Lot 47 Foxchase Ph. 2, PB 35, Pgs. 13 & 14.

District 1 - Maloy

(Deborah Leigh-Code Enforcement)

BACKGROUND:

On April 3, 2001, the Code Enforcement Office received a complaint of weed growth and junk vehicles regarding -property located at 1943 Kimberwicke Circle. On April 4, 2001, an inspection revealed weed growth and a junk vehicle at the site.

Reviewed by:

Co Atty: KZC

DFS:
Other: MIN

DCM: SC

CM: L

File No: rpdp02

The inoperable vehicle was tagged for towing and a notice of violation was issued to the property owner. Re-inspections revealed the violations remained and, therefore, on April 16, 2001, the vehicle was towed from the property. A second notice was issued for the remaining violation.

Notices sent to the owner were returned. On May 15, 2002, the code inspector filed a Statement of Violation, Request for Hearing with the Clerk to the Code Enforcement Board. The property was posted with notice of hearing.

On June 27, 2002, the Seminole County Code Enforcement Board issued its Findings of Fact, Conclusions of Law and Order on property located at 1943 Kimbetwicke Circle. This order found the respondent, James R. Deaton, to be the owner of record of the property (at the time of the CEB Hearing), in possession/control of the property and in violation of:

Section 95.4 as defined in Section 95.3 (g) (h) and (p). The accumulation of trash and debris; Uncultivated vegetation; and Objectionable, unsightly, or unsanitary matter, substance or material

The Code Enforcement Board further ordered the owner to bring the property into compliance on or before July 11, 2002, or a fine of \$50.00 per day per violation would be imposed. The respondent was not present at this hearing.

On July 15, 2002, the code inspector inspected the property and found the property remained in violation and filed an affidavit of non-compliance.

On August 22, 2002, the Code Enforcement Board issued an Order, Imposing Penalty/Lien in the amount of \$2,050.00 and the fine of \$50.00 per day was ordered to continue past the date of the order. The property remained in violation with the lien continuing to accrue.

On October 16, 2002, an inspection revealed the property was in compliance and an affidavit of compliance was filed and recorded.

On November 12, 2002, Code Enforcement received a request from Rebecca Fierle, Personal Rep. for the Estate of James R. Deaton, requesting the lien be rescinded. This request contends the property owner was hospitalized in May of 2002 and passed away on July II, 2002. Ms. Fierle became the personal representative for the estate on **September 30**, 2002 and the work was completed to bring the property into compliance.

The Board's guidelines for reducing liens adopted February 9, 1999 are identified below:

1. If an individual has acquired a property in which the lien was recorded and the individual bought the property with this knowledge, a waiver or reduction in lien should not be granted. In such cases the lien should have been considered in **reaching** a **purchase price**.

- 2. If a lien is not considered when a title insurance policy is issued, a reduction of the lien to provide relief to a title insurer should not be granted. To do so would place the County in the position indemnifying an insurance company against its losses, which are reflected in premium charges.
- 3. If a lien has previously been reduced, and another request is received for a lien reduction, whether from the original property owner or a new owner, a reduction or waiver should not be granted. If the BCC Grants relief to a violator its action should be final and conclusive.
- 4. When considering a request and in developing a recommendation to the BCC, staff should evaluate the amount of the lien compared to the value of the property and the actions the violator did or did not take in attempting to resolve the code violation.
- 5. When liens are satisfied as a result of either full payment or reduced/eliminated payment as directed by the BCC, the lien satisfaction instrument will be provided to the property owner who shall be responsible for recording the instrument in the land records.

STAFF RECOMMENDATION:

According to Chapter 162, Florida Statute, in determining the amount of the fine, the Code Enforcement Board considers the following factors:

- 1. The gravity of the violation;
- 2. Any actions taken by the violator to correct the violation; and
- 3. Any previous violations committed by the violator.

Based on the following facts:

- 1. The property is in compliance; and
- 2. The violation was not to the extent of becoming a life, health or safety issue.

Due to extenuating circumstances such as the hospitalization and death of the property owner, staff would recommend a reduction of the lien from \$ 4,800.00 to \$376.40, the amount calculated on the attached cost analysis sheet for Case # 02-86-CEB (Option C).

Attachments: 06/27/2002 Findings of Fact, Conclusions of Law and Order

07/15/2002 Affidavit of Non-Compliance

08/22/2002 Order Finding Non-Compliance and Imposing Fine/Lien

10/17/2002 Affidavit of Compliance

11/06/2002 Request from Rebecca Fierle

Death Certificate for James R. Deaton

Property Appraiser Database Information

Estimated Costs for processing Case # 02-86-CEB

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political subdivision of the State of Florida,

Petitioner,

VS.

JAMES R DEATON 1943 KIMBERWICKE CIR OVIEDO FL 32765

Respondent.

CASE NO. 02-86-CEB Tiến hình thết nón thiết nhữ phá phá mã thiết liệu

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 04449 PG 0259
CLERK'S # 2002902 134
RECORDED 07/01/2002 09:40:52 AM
RECORDED BY L McKinley

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 02-86-CEB, it is determined that the Respondent is:

- the owner of record of the property (Tax Parcel ID #32-2 1-31-502-0000-0470), located at 1943 Kimberwicke Cir, Oviedo, located in Seminole County and legally described as follows: LOT 47 FOXCHASE PH 2 PB 35 PGS 13 & 14
- (b) in possession or control of the property; and
- (c) in violation of Seminole County Code Section 95.4 as defined in Section 95.3(g)(h)(p).

It is hereby ordered that the Respondent correct the violations on or before July 1, 2002. In order to correct the violations, the Respondent shall:

- 1) REMOVE THE ACCUMULATION OF TRASH AND DEBRIS.
- 2) REMOVE THE UNCULTIVATED VEGETATION IN EXCESS OF 24" IN HEIGHT LOCATED WITHIN 75' OF A STRUCTURE.
- 3) --REMOVE OBJECTIONABLE, UNSIGHTLY, OR UNSANITARY MATTER, SUBSTANCE, OR MATERIAL TENDING BY ITS EXISTENCE AND/OR ACCUMULATION TO ENDANGER OR ADVERSELY AFFECT THE HEALTH, SAFETY, LIVES AND/OR WELFARE OF THE CITIZENS OF THE COUNTY.

If the Respondent does not **comply** with the Order, a **fine** of \$ SO .00 will be imposed for each day the violations continue, or are repeated **after** compliance past , 2002. The Respondent is **further** ordered to contact the Seminole County Code Inspector to arrange for an inspection of the property to verity compliance. Any **fine** imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order.

This order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violations exists and upon any other real or personal property owned by the Respondent.

DONE AND **ORDERED** this **27th** day of June, 2002, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA
TOM HAGOOD, CHAIR

STATE OF FLORIDA COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 27" day of June, 2002, by Tom **Hagood**, who is personally **known** to

me.

Marcia L. Fuller

Notary Public to and for the . County and State aforementioned.

My Commission Expires:

Order.deaton



CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY FLORID

JUL 0 1 2002

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA ***

CASE NO: 02-86 CEB

SEMINOLE COUNTY, a political subdivision of the State of Florida.

Petitioner,

VS.

James R Deaton,

Respondent.

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY BK 04463 PG 0240 CLERK'S # 2002909718 RECORDED 07/17/2002 08:39:05 AM RECORDINGFEES 6.00 RECORDED BY L Woodley

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Donna Wisniewski**, Code Inspector for **PLANNING DIVISION**, who after being duly sworn, deposes and says:

- That on **June** 27, 2002, the Board held a public hearing and issued its Order in the above-styled matter.
- 2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before July 11, 2002.
- 3. That a re-inspection was performed on July 152002.
- That the re-inspection revealed that the corrective action ordered by the Board has not been taken in that the accumulation of trash & debris, uncultivated vegetation, and objectionable, unsightly or unsanitary matter remain on the property.

FURTHER AFFIANT SAYETH NOT.

DATED this 15th day of July 2002.

Donna Wisniewski, Inspector

STATE OF FLORIDA COUNTY OF **SEMINOLE**

The foregoing instrument was acknowledged before me this 15th day of July 2002, by Donna Wisniewski, who is personally known to me and who did take an oath.

Notary Public in and for the County and State Aforementioned

My commission expires:

AFFNON.COM







CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political subdivision of the State of Florida,

CASE NO 02-86-CEB

MARYANNE MORSE, CLERK OF CIRCUIT COURT MENINOLE COUNTY **BK** 04504 PG 0949 CLERK'S # 2002931512 ECORDED 08/29/2002 09:07:29 AM ECORDING FEES 10.50 ECORDED BY J Eckenneth

Petitioner,

VS.

JAMES R DEATON 1943 KIMBERWICKE CIR OVIEDO FL 32765

Respondent.

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel ID #32-21-31-502-0000-0470) located at 3643 Main St, Sanford, Florida, located in Seminole County and legally described as follows:

LOT 47 FOXCHASE PH 2 PB 35 PGS 13&143

This case came on for public hearing before the Code Enforcement Board of Seminole County on the 27th day of June 2002, after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law, and Order.

Said Order found Respondent in violation of Section 95.4 as defined in Section 95.3(g)(h)(p), Seminole County Code.

Said Order required Respondent to take certain corrective action by July 11, 2002.

Said Order stated that a fine of \$50.00 per day would be imposed if Respondent did not take certain corrective action by the date set for compliance.

An Affidavit of Non-Compliance bearing the date of July 15, 2002, has been filed with the Board by - the Code Inspector, which Affidavit certifies under oath that the required actions, removing the accumulation of trash and debris, uncultivated vegetation in excess of 24" in height located within 75° of a structure, and objectionable, unsightly, and unsanitary matter, substance or material at this location has not been obtained.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated June 27, 2002, the Board orders that a fine of \$2050.00 (total accrued fine up until hearing) is imposed against the property for each day the violation has continued past the date set for compliance, and a fine of \$50.00 per day is ordered against the property for each day the violation continues past August 22, 2002.

The Respondent must contact the Code Inspector to arrange for an inspection of the property to verify compliance. The fine imposed shall continue until such time as the Code Inspector inspects the property and establishes the date of compliance.

This Order shall be recorded in the public records of Seminole County, Florida, and shall constitute a hen against the land on which the violation exists and upon any other real or personal property owned by the Respondent.

DONE AND **ORDERED** this **22nd** day of August, 2002, in Seminole County, Florida.

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

COMPTAGOOD CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 22nd day of August, 2002, by Tom **Hagood,** who is personally known to me.

Marcia I Fuller

Marcia L. Fuller

Notary Public to and for the

County and State aforementioned.

My Commission Expires:



Lien.deaton

SEMINOLE CUUNIY CUDE ENFORCEMENT 1101 EAST FIRST STREET SANFORD, FLORIDA 32771-1468

CLERK OFFILE

CLERK OFFILE

CLERK OFFILE

CODE ENFORCEMENT BOARD

SEMINORE COUNTY, FLORIDA

By: 1/1/2/1/2012

2

CODE ENFORCEMENT BOARD SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political Subdivision of the State of Florida

Case No. 02-85-CEB

Petitioner.

VS.

James R Deaton,

Respondent.

AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Donna Wisniewski**, Code Inspector for **Planning Division**, who, after being duly sworn, deposesandsays:

- 1. That on **June 27, 2002**, the Board held a public hearing and issued its Order in the above-styled matter.
- 2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before **July 11, 2002.**
- 3. That a re-inspection was performed and the Respondent was in compliance on **October 16, 2002.**
- 4. That the re-inspection revealed that the corrective action ordered by the Board has been taken in that accumulation of trash & debris, uncultivated vegetation, and objectionable, unsightly or unsanitary matter has been removed from the property.

FURTHER AFFIANT SAYETH NOT.

DATED this 17th day of October 2002.

Donna Wisniewski, Inspector

STATE OF **FLORIDA**)
COUNTY OF **SEMINOLE**)

The foregoing instrument was acknowledged before me this **17th** day of **October 2002**, by **Donna Wisniewski**, who is personally known to me and who did take an oath.

Notary Public in and for the County and State Aforementioned

MY COMMISSION # DD 014731
EXPIRES: April 2, 2005
Bonded Thru Notary Public Underwriters

CMPLAFF.CEB

CODE ENFORCEMENT BOARD SEMINOLE COUNTY

CEB Case No. 02 -86-CEB

REQUESTFORREDUCTIONOFPENALTY

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTSUNDEROATFL

INSTRUCTIONS: Please **fill** in both sides of this form completely. Be specific when writing your statement. Please return **this form** to the Secretary **of** the Codp Enforcement Board. The Petition will then be presented at the next regularly scheduled meeting, and you **will** be notified in writing of the Board's decision within 10 days after the hearing. If you are **claiming** medical or financial hardship, attach supporting documentation (i.e., a doctor's statement **or** proof of income). If you have any questions, please **call** the Secretary at 321-1130, extension 7461.

Property Owner's Name <u>Sames</u> R <u>Deaton</u>
Property Address 1943 Kimberwicke Circle
Phone Number where you can be reached during the day 407 254 5591
Is the property now in compliance? X YesNo (if no, explain in d e t a i 1)
Are you claiming a financial hardship? Are you claiming a medical hardship? Yes No No
If the property owner is unable to complete this form, list the name of person who is authorized to act for the Property Owner and their relationship: Research Flex le Persmal Rep
For Estate of James & Jeaton

YOU WILL NOT BE GIVEN AN OPPORTUNITY TO ADDRESS THE BOARD CONCERNING T MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION.

OFFICE of VITAL STATISTICS

CERTIFIED COPY

CERTIFICATE OF DEATH FLORIDA

CAL FILE NO.			TACT	10 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	40 (A) Y	2, SEX	
DECEDENT'S NAME FIRST James	Richard		Deaton			Male	4.00
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DATE OF DEATH (Month, Day, Year)	245-82-1077		58	Michigan			
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DATE OF BIRTH (Month, Day, Year)	Unobtainab				ARMED FORCES? (Yes or No)		
July 23, 1943					Ob. INSIDE	CITY LIMITS	Yes or No
a. PLACE OF DEATH (Check only one: see instructions		ing Home Resi	tence Other (Specify)		Yes	<u> </u>	37
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Me	cican, Puerto Rican, etc.)	No Yes	Specify. Wh:		(0 - 12)	4	
Yes 32765 Spe	acify.		ER'S NAME (First, Middle.		ne)		10.35.18
17. FATHER'S NAME (First, Middle, Last)		18. MOTH	belle Evans	MANUON DUNNAN			-
James E. Deaton'	<u> </u>	154	t and Number or Rural Rou	te Number. Ci	v or Town. St	ate. Zip Code	42.VE 000
19a. INFORMANT'S NAME (Type/Print)	196. MAILIN	IG ADDRESS (Sires	Ob T	Cour	h Caro	lina 20	3414
Gregory Howell	14 Rc	slyn Driv	e, Charlesto	1 200 LOCA	TION - City o	r Town, State	
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Donation/ Other (Specify)	Naples Me	emorial Ga	rdens		iles, r	TOLIGA	
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25a. SUBREGISTHAR - SIGNATURE AND DATE	· 1	1/Im	in 1/1/1998	HEGISTRA	8 J(JL Z:	<u> </u>
- Helena Douglan	7-25-02	NAVA	N JULY WALLE				

THIS IS A CERTIFIED TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE

WARNING: THIS DOCLMENT-IS-PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH A WATERMARK OF THE GREAT WITHOUT VERIFYING THE PRESENCE OF THE WATERMARK.

DOM FORM 1584 (10-98)

IN THE CIRCUIT COURT FOR SEMINOLE COUNTY, **FLORIDA** PROBATE DIVISION

IN RE: ESTATE OF

File No.: <u>02-1065-</u>CP

JAMES RICHARD DEATON

Division: PROBATE

Deceased.

LETTERS OF ADMINISTRATION (single personal representative)

TO ALL WHOM IT MAY CONCERN

WHEREAS, JAMES RICHARD DEATON, a resident of Seminole County, Forida, died on July 11, 2002, owning assets in the State of Florida, and

WHEREAS, REBECCA FIERLE has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administrationin the estate,

NOW, THEREFORE, I, the undersigned circuit judge, declare REBECCA FIERLE duly qualified under the laws of the State of Florida to act as personal representative of the estate of JAMES RICHARD DEATON, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate aecording to law.

Circuit

Judge

ORDERED on

STATE OF FLORIDA SEMINOLE COUNTY

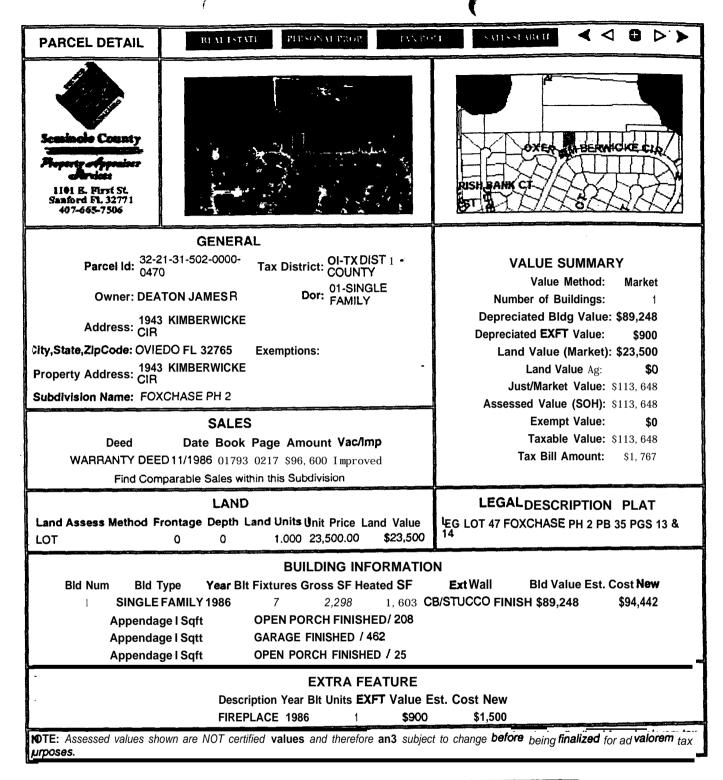
-1, THE UNDERSIGNED Clerk of the Circuit Court, Seminole County. Florida DO MEREBY CERTIFY the within and forgoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court, Probate Div. of Seminole County, Florida.

I further CERTIFY that it appears from the files and records of said Court that said appointment still remains in full force and effect. WITNESS my hand and seal on the Circuit Court at Sanford, Florida,

MARYANNE MORSE

in and for Seminole County, Florida

Clerk of Circuit Court



• PROPERTY MPROUSER • CONTACT FROM PAGE

BACK

Estimate of Costs CEB Case # 02-86-CEB James R. Deaton (deceased)

Postage				
Dogulor	0.1	ф О Д	¢ 0.70	
Regular Certified	9	\$. 34 \$ 3.94	\$ 2.72	
	1	<u>'</u>	\$ 3.94	
Property Posting	1	\$ 8.00	\$ 8.00	\$ 14.66
Site Inspections				Ф 14.00
9 Site Visits	1 hour each	\$16.00	\$144.00	
17.9 miles – Est. driving time 25				\$ 144.00
Processing Time for	Jillillules (as u	etermined on 1	and waps)	Ψ 177,00
Code Enforcement and BCC	Action			
Inspector	1.5 hour	\$ 16.00	\$ 24.00	
Code Board Secretary	1.5 hour	\$ 15.00	\$ 22.50	
Associate Technician	1.5 hour	\$ 12.00	\$ 18.00	
Program Manager	2.5 hour	\$ 21.00	\$ 52.50	\$ 117.00
County Attorney's Review				
Planning Manager's Review				
Planning and Development		ed costs not c		
Director's Review	Figur	es are not ava	ilable <u> </u>	
Deputy County Manager's Review				
Unit Costs				
Total 2001/2002 Code Enforcer				
Unit Cost \$288,063 / 3540	Average of	cost per viola	tion - \$81.37	
Total 2001/2002 Operating Exp			-4: 640.07	
Operating Expenses \$68,583 / 3	3540 Average	cost per viola	ation \$19.37	\$400 7 4
Other acceptant access not a	opturad:			\$100.74
Other associated costs not carried expense, Phone expense	•	mputor		
support	5 5 , Ullille5, CO	inputei		
ESTIMATED COST FOR PRO	CESSING CAS	E # 02-86-CEE	3	\$376.40

SATISFACTION OF LIEN AS TO PARTICULAR PARCEL

THIS instrument disclaims and releases the lien imposed by the Order Imposing Penalty/Lien, issued by the Seminole County Code Enforcement Board in Case No. 02-86-CEB filed against JAMES R DEATON and filed by and on behalf of Seminole County, on August 29, 2002, and recorded in Official Records Book 4504, Page 0949, of the Public Records of Seminole County, Florida, against the following described real property:

LOT 7 FOXCHASE PH 2 PB 35 PGS 13 & 14

The undersigned is authorized to and does hereby disclaim and release the lien as to the . whole of the above described real property, and consents that the same be discharged of record.

DATED this day of		
ATTEST:		BOARD OF COUNTY COMMISSIONERS SEMINOLE COUNTY, FLORIDA
MARYANNE MORSE Clerk to the Board of County Commissioners of Seminole County, Florida	By: Date:	DARYL MCLAIN, Chairman
For the use and reliance of Seminole County only. Approved as to form and legal sufficiency.		As authorized for execution by the Board of County Commissioners at their, 2003 regular meeting.
County Attorney ceb/releaseliendeaton		