

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Code Enforcement Lien, Case # 04-27-CEB, Request for Reduction of Penalty – AmSouth Bank, new owners – Job Brooks, previous owner, 238 Jones Avenue, Sanford

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Matthew West **EXT.** 7353

Agenda Date <u>02/22/05</u>	Regular <input checked="" type="checkbox"/>	Consent <input type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

(A) Approve the request to waive the Code Enforcement Board lien which totals \$19,300.00 on the property located at 238 Jones Avenue, Sanford – AmSouth Bank, new owners through foreclosure, Job Brooks, previous owner, Case # 04-27-CEB and authorize the Chairman to execute the Satisfaction of Lien; or

(B) Approve a reduction to the Code Enforcement Board lien which totals \$19,300.00, on the property located at 238 Jones Avenue, Sanford, Case # 04-27-CEB and require the reduced amount to be paid within 30 days or the lien will revert back to its original amount (\$19,300.00) and upon payment in full, authorize the Chairman to execute the Satisfaction of Lien; or

(C) Approve a reduction to the Code Enforcement Board lien from \$19,300.00 to the estimated administrative costs of \$791.07 for processing Case # 04-27-CEB (Staff's recommendation) and require these costs to be paid within 30 days or the lien will revert back to its original amount (\$19,300.00) and upon payment in full, authorize the Chairman to execute the Satisfaction of Lien; or

(D) Deny the request to waive or reduce the Code Enforcement Board lien which totals \$19,300.00 on the property located at 238 Jones Avenue, Sanford, Case # 04-27-CEB

Commissioner Carey - District 5

Matthew West – Planning Manager

BACKGROUND:

In response to a complaint, on October 13, 2003, the Code Enforcement Officer observed violations at 238 Jones Avenue, Sanford, including: abandoned appliances; accumulation of trash and debris; uncultivated vegetation in excess of 24" in height, located within

Reviewed by:	
Co Atty:	<u>RR</u>
DFS:	
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>rpdp01</u>

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. Per the Property Appraiser information, the value of the property is \$97,749.00. The lien totals \$19,300.00.
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 fact that the current owners, AmSouth Bank, acquired this property through foreclosure and brought the property into compliance at an additional cost to them of \$650.00, Staff would recommend that the Board approve a reduction of the lien on the property located at 238 Jones Avenue, Sanford, from \$19,300.00 to the administrative costs incurred in processing this case in the amount of \$791.07 and require that these costs be paid within 30 days or the fine will revert back to the original lien in the amount of \$19,300.00. Upon payment in full, authorize the Chairman to execute the Satisfaction of Lien (Option C).

Attachments: Findings of Fact, Conclusions of Law and Order
Affidavit of Non-Compliance
Order Finding Non-Compliance and Imposing Fine/Lien
Affidavit of Compliance
Request for Reduction of Penalty
Property Appraiser Database Information
Estimated Costs for processing Case # 04-27-CEB
Receipt for \$650.00 for expenses incurred by AmSouth/Remax Realty to
bring property in compliance

If the Respondent does not comply with the Order, a fine of \$ 100⁰⁰ per day will be imposed for each day the violations continue, or are repeated after compliance past June 3, 2004. The Respondent is further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until such time as the Code Officer 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 20th day of May, 2004, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

Jean Metts
JEAN METTS, VICE CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

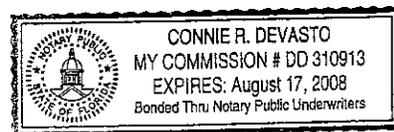
The foregoing instrument was acknowledged before me this 20th day of May, 2004, by Jean Metts, who is personally known to me.

Connie R. DeVasto

Connie R. DeVasto
Notary Public to and for the
County and State aforementioned.
My Commission Expires

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

By: Connie R. DeVasto
Date: 5-24-04



CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

CASE NO: 04-27-CEB

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05369 PG 0370
CLERK'S # 2004103987
RECORDED 07/01/2004 03:33:49 PM
RECORDING FEES 10.00
RECORDED BY J Eckenroth

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

Petitioner,

vs.

JOB BROOKS

Respondent.

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Pamela Taylor** Code Enforcement Officer for **Seminole County Sheriff's Office**, who after being duly sworn, deposes and says:

1. That on **MAY 20, 2004**, 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 **JUNE 3, 2004**.
3. That a re-inspection was performed on **JUNE 4, 2004**.
4. That the re-inspection revealed that the corrective action ordered by the Board has not been taken in that **the property still has junked or abandoned vehicles, not within an enclosed garage or carport; uncultivated vegetation in excess of 24" in height, within 75' of a structure and the accumulation of trash & debris.**

FURTHER AFFIANT SAYETH NOT.

DATED this 16th day of May, 2004

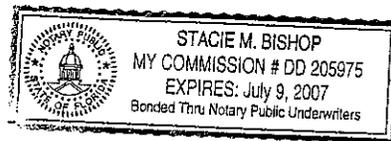
Pamela Taylor
Pamela Taylor, Inspector

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 16th day of June 2004, by Pamela Taylor who is personally known to me and who did take an oath.

Stacie M. Bishop
Notary Public in and for the County
and State Aforementioned
My commission expires: 07-09-07

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA
By: Connee L. DeLaster
Date: 6-23-04



MARYANNE JRSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05440 PGS 0587-0588
CLERK'S # 2004137871
RECORDED 09/01/2004 02:33:58 PM
RECORDING FEES 18.50
RECORDED BY J Eckenroth

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

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

CASE NO. 04-27-CEB

Petitioner,

vs.

**JOB BROOKS
PARCEL I.D. # 12-20-30-509-0000-0170**

Respondent

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel # 12-20-30-509-0000-0170) located at 238 Jones Avenue, Sanford, located in Seminole County and legally described as follows:

**LEG LOT 17 + E 30 FT OF LOT 16 SOUTH
SANFORD HEIGHTS ADD PB 2 PG 119**

This case came on for public hearing before the Code Enforcement Board of Seminole County on May 20, 2004, 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 Seminole County Code, Chapter 95, Section 95.4 as defined in 95.3(f)(g)(h)(l).

Said Order stated that a fine in the amount of \$100 per day, would be imposed if the Respondent did not take certain corrective action by June 3, 2004.

An Affidavit of Non-Compliance bearing the date of June 16, 2004, has been filed with the Board by the Code Enforcement Officer, which Affidavit certifies under oath that the required action has not been obtained.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated May 20, 2004, the Board orders that a fine of **\$8,300.00**, 83 days of non-compliance at \$100.00 per day, be imposed against the property and the fine shall continue to accrue at **\$100.00 per day** for each day the violations continue past August 26, 2004.

04-27-CEB
JOB BROOKS

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

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 26th day of August, 2004, 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 26th day of August, 2004, by Tom Hagood, who is personally known to me.

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

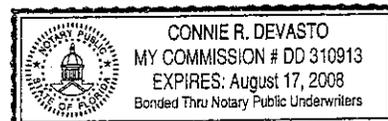
By: 

Date: 8-20-2004





Connie R. DeVasto
Notary Public to and for the
County and State aforementioned.
My Commission Expires



CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of Florida

CaseNo.04-27-CEB

Petitioner,
vs.

JOB BROOKS

Respondent.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 05558 PG 0096
CLERK'S # 2004198047
RECORDED 12/23/2004 03:51:08 PM
RECORDING FEES 10.00
RECORDED BY G Harford

AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared Pamela Taylor, Code Enforcement Officer for **Seminole County Sheriff's Office**, who, after being duly sworn, deposes and says:

1. That on **May 20, 2004** 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 **June 3, 2004**
3. That a re-inspection was performed and the Respondent was in compliance on **December 15, 2004**.
4. That the re-inspection revealed that the corrective action ordered by the Board has been taken in that the junk vehicles and trash & debris have been removed.

FURTHER AFFIANT SAYETH NOT.

DATED this 15th day of December 2004.

Pamela Taylor

Pamela Taylor, Code Enforcement Officer

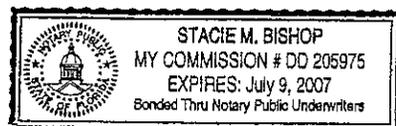
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 15th day of December 2004, by Pamela Taylor, who is personally known to me.

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

By: *Conne K. Roberts*
Date: *12-17-04*

Stacie M. Bishop
Notary Public in and for the County
and State Aforementioned



SEMINOLE COUNTY
CEB CASE NO. 07-27-CEB

REQUEST FOR REDUCTION OF PENALTY

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS
UNDER OATH

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 Code 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 407-665-7403.

Property Owner's Name Am South Bank through foreclosure on 10/11/04. Former owner (and violator) was Job Brooks.
Property Address 238 Jones Ave. Sanford

Phone number where you can be reached during the day (727) 592-6702

Is the property now in compliance? Yes No (If no, explain in detail)

Are you claiming a financial hardship? Yes No

Are you claiming a medical hardship? Yes No

If the property owner is unable to complete this form, list the name of the person who is authorized to act for the Property Owner and their relationship to the Property Owner:

I, Tom Aderhold - SVP, do hereby submit this Petition in request for a reduction in the total amount of penalty imposed and in support, offer the following statement:

Am South Bank, the owner of subject property through foreclosure on 10/11/04 was UNaware of the violation and fines until 12/16/04. Shortly after taking possession of this property, the Bank spent \$650⁰⁰ to have the property cleaned, which also brought it back into compliance. The Bank will see to it that it remains in compliance until the property is sold.

Since the Bank could not legally bring property into compliance until it was the owner (even if it had known about the violations), the Bank should not be held accountable for the prior owners neglect. The Bank therefore, respectfully requests that you consider a substantial reduction in the fines and release of lien.

Date: 12/17/04

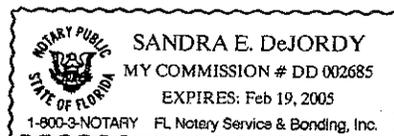
Am South Bank
Signed: By: Tom Aderhold - SVP
Print Name: Tom Aderhold
Senior Vice President

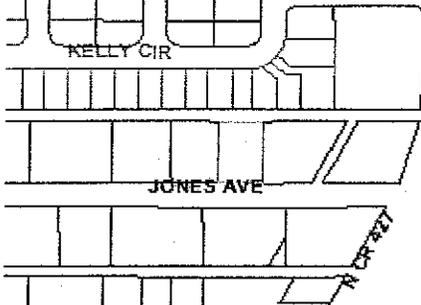
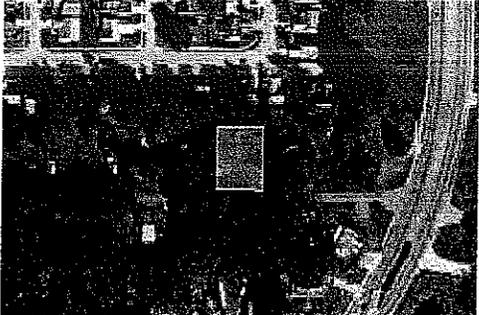
State of Florida
County of ~~Seminole~~ Pinellas

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, TOM ADERHOLD, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He she is not personally known to me and has produced _____ as identification and did take an oath.

Date: 12/17/04

Sandra E. DeJordy
Notary Public
My Commission Expires:



PARCEL DETAIL	REAL ESTATE PERSONAL TAX ROLL SALES SEARCH ◀ BACK ▶																																										
DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1488 407-668-7508	 																																										
<p style="text-align: center;">GENERAL</p> Parcel Id: 12-20-30-509-0000-0170 Tax District: 01-COUNTY-TX DIST 1 Owner: AMSOUTH BANK Exemptions: Address: PO BOX 10063 City,State,ZipCode: BIRMINGHAM AL 35202 Property Address: 238 JONES AVE SANFORD 32771 Subdivision Name: SOUTH SANFORD HEIGHTS ADD Dor: 01-SINGLE FAMILY	<p style="text-align: center;">2005 WORKING VALUE SUMMARY</p> Value Method: Market Number of Buildings: 1 Depreciated Bldg Value: \$78,856 Depreciated EXFT Value: \$653 Land Value (Market): \$18,240 Land Value Ag: \$0 Just/Market Value: \$97,749 Assessed Value (SOH): \$97,749 Exempt Value: \$0 Taxable Value: \$97,749 Tax Estimator																																										
<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> </tr> </thead> <tbody> <tr> <td>CERTIFICATE OF TITLE</td> <td>10/2004</td> <td>05479</td> <td>0763</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1999</td> <td>03782</td> <td>1979</td> <td>\$31,500</td> <td>Improved</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>12/1999</td> <td>03777</td> <td>0092</td> <td>\$31,500</td> <td>Improved</td> </tr> <tr> <td>CORRECTIVE DEED</td> <td>12/1999</td> <td>03777</td> <td>0090</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>CERTIFICATE OF TITLE</td> <td>11/1999</td> <td>03752</td> <td>1843</td> <td>\$100</td> <td>Improved</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/1982</td> <td>01387</td> <td>0445</td> <td>\$3,500</td> <td>Vacant</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>	Deed	Date	Book	Page	Amount	Vac/Imp	CERTIFICATE OF TITLE	10/2004	05479	0763	\$100	Improved	SPECIAL WARRANTY DEED	12/1999	03782	1979	\$31,500	Improved	SPECIAL WARRANTY DEED	12/1999	03777	0092	\$31,500	Improved	CORRECTIVE DEED	12/1999	03777	0090	\$100	Improved	CERTIFICATE OF TITLE	11/1999	03752	1843	\$100	Improved	WARRANTY DEED	03/1982	01387	0445	\$3,500	Vacant	<p style="text-align: center;">2004 VALUE SUMMARY</p> 2004 Tax Bill Amount: \$1,659 2004 Taxable Value: \$98,176 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS
Deed	Date	Book	Page	Amount	Vac/Imp																																						
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<p style="text-align: center;">EXTRA FEATURE</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Description</th> <th>Year Blt</th> <th>Units</th> <th>EXFT Value</th> <th>Est. Cost New</th> </tr> </thead> <tbody> <tr> <td>ALUM SCREEN PORCH W/CONC FL</td> <td>1970</td> <td>192</td> <td>\$653</td> <td>\$1,632</td> </tr> </tbody> </table>		Description	Year Blt	Units	EXFT Value	Est. Cost New	ALUM SCREEN PORCH W/CONC FL	1970	192	\$653	\$1,632																																
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<p>NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.</p>																																											

◀ BACK
HOME
CONTACT ▶

Estimate of Costs
CEB Case # 04-27-CEB
JOB BROOKS, previous owner
AMSOUTH BANK, current owner

<u>Postage</u>				
Regular	16	\$.37	\$ 5.92	
Certified	6	\$ 4.42	\$ 26.52	
				\$ 32.44
<u>Site Inspections - Per Attached Affidavit for Reimbursement of Costs</u>				
# Site Visits - 7	1 hr ea	\$ 39.19	\$274.33	\$274.33
<u>Processing Time for Code Enforcement and BCC Action</u>				
Inspector	5.5 hours	\$ 39.19	\$215.55	
Code Board Secretary	1.5 hours	\$ 12.50	\$ 18.75	
County Attorney's Review	1 hour	\$100.00	\$100.00	
Planning Manager's Review	1 hour	\$ 40.00	\$ 40.00	
Planning and Development Director's Review	1 hour	\$ 50.00	\$ 50.00	
Deputy County Manager's Review	1 hour	\$ 60.00	\$ 60.00	
				\$484.30
Other associated costs not captured:				
Fleet expense, Phone expense, Utilities, Computer Support				
ESTIMATED COST FOR PROCESSING CASE # 04-27-CEB				\$791.07

SEMINOLE COUNTY SHERIFF'S OFFICE
Affidavit For Reimbursement Of Costs Of Investigation
Case# 04-27-CEB Job Brooks

The Seminole County Sheriff's Office requests the Board Of County Commissioners to enter an order requiring the defendant in the above-styled case to pay the costs of investigation incurred by the office during the investigation and prosecution of this case. The below items detail the activities and associated costs for investigating this case.

Code Enforcement Officer: Pamela Taylor

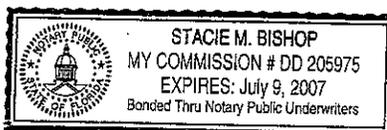
DATE	PERSONNEL ACTIVITY	HOURS
1.	Inspections 7 total	7 hours
2.	CEB Hearing 05-20-04 and 08-26-04	2 hours
3.	Phone calls (3)	1.5 hours
4.	2 letters mailed	2 hour
5.		
6.		
7.		
TOTAL HOURS		12.5 hours
		x \$39.19
TOTAL PERSONNEL COSTS		\$489.87

DATE	TANGIBLE GOODS OR SERVICES	COST
1.		
2.		
3.		
4.		
TOTAL TANGIBLE AND/OR SERVICE COSTS		\$

The Seminole County Sheriff's Office has incurred actual costs in the amount of \$489.87 during the investigation and prosecution of the defendant in this case. Said costs are supported and documented as listed above. Personnel costs are calculated at a rate of \$39.19 per hour, as determined by the Financial Services Section of the Seminole County Sheriff's Office. Tangible goods and contractual services are indicated as required and at a direct cost to the Office.

Signature of Code Enforcement Officer: Pamela Taylor January 4, 2005
Pamela Taylor, who is personally known to me, acknowledged the foregoing instrument before me this 4th day of January 2005.

Stacie M. Bishop
Notary Public in and for Seminole County an the State of Florida



JAN. 11. 2005 9:11AM
FROM

AMSOUTH BANK 727-571-7157
PHONE NO. : 977 8682

NO. 4192 P. 2
NO. 341 P. 2
Nov. 09 2004 07:45AM P1

Mary-Jean Kilgore
1617 Stone Street
Oviedo, FL 32765-6809
Phone: 407 977-8224
Fax: 407-977-8682
mjilgore@msb.com

November 9, 2004

Invoice #110104

To : Remax 200 Realty
Mike Rance

Re: 238 Jones Street, Sanford, FL *Boards ORED - Jones St.*

Trash-out of complete interior and yard has been completed:
Removed (10) trailer loads of debris to County Sanitation Yard.
Broom Sweep and Vacuum all rooms, garage and 2 porches.
Secured rear windows in master bedroom.
Wiped interior and exterior of bath and kitchen cabinets
Cleaned bath and kitchen fixtures as well as possible without water being available. Master bath commode won't flush feces was removed.

Total Amount Due \$-----\$650.00

Please make check payable to M.J. Kilgore and mail to 1617 Stone Street
Oviedo, FL 32765 by return mail.

262 - 44-8753

Thank-You

AMSOUTH BANK
APPROVED BY:
SIGNATURE *[Signature]*
ACCOUNT NO. 576550
COST CENTER NO. 401497

ST 650
NOV 10 *[Stamp]*