

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Code Enforcement Lien – April Adams, Respondent, Washington Street
Financial Corp., Robert Gillespie, President, Parcel # 25-20-31-5BA-0000-
2340, 1500 Florida Ave, Oviedo Seminole County

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Sally Sherman **CONTACT:** Deborah Leigh **EXT.** 7487

Agenda Date <u>04-8-03</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:

Approve the request to reduce the Code Enforcement Board liens for Case Number 97-55-CEB and Case Number 02-33-CEB in the amount of \$62,100.00 and \$3,575.00 respectively to \$6,572.12, which is the amount received from the surplus proceeds in the foreclosure on the property located at 1500 Florida Ave., East ½ of Lot 234 (less N 10' for Rd) Black Hammock, and authorize the Chairman to sign and execute the satisfaction of lien.

District 2 – Morris (Deborah Leigh-Code Enforcement)

BACKGROUND:

Case Number 97-55-CEB

On October 18, 1996, the Code Enforcement Office received a complaint of a welding business being operated in an A-5 Zone at 1500 Florida Ave. On November 7, 1996, investigation and an inspection revealed the violation did exist in the A-5 Agricultural Zone.

On November 8, 1996, a Notice of Code Violation was issued, with a compliance date of November 18, 1996. The Code Inspector continued to work with the property owner to obtain compliance. On September 26, 1997 a request for hearing was filed with the Clerk to the Code Enforcement Board. Notice of Hearing was sent certified mail and received. The respondents appeared before the Code Enforcement Board on December 4, 1997.

On December 4, 1997, the Code Enforcement Board issued its Findings of Fact, Conclusions of Law and Order on property located at 1500 Florida Ave. This order found the respondent, April Adams, to be the owner of record of the property (at the time of the CEB Hearing), in

Reviewed by:
Co Atty: <i>[Signature]</i>
DFS: _____
Other: <i>[Signature]</i>
DCM: <i>[Signature]</i>
CM: <i>[Signature]</i>
File No: <u>RPDP03</u>

possession/control of the property and in violation of operating a welding business, which is not a permitted use in an A-5 Agricultural zoned district.

The Code Enforcement Board further ordered the owner to bring the property into compliance on or before June 20, 1998, or a fine of \$150.00 per day would be imposed.

On April 28, 1998, the Seminole County Commission voted to proceed to process an amendment to Chapter 30 of the Seminole County Land development Code to add a new conditional use providing for recognition of a business/offices as an accessory use to a primary permitted use in an agricultural zone. The County Commission also voted to suspend any code enforcement action against businesses which ultimately might be eligible to request that conditional use.

On May 28, 1998, the Code Enforcement Board voted to abate any action on Case Number 97-55-CEB until further notice was received from the Board of County Commissioners.

On March 16, 1999, the Board of County Commission decided not to allow this type of use in the A-5 Agricultural Zone. On March 29, 1999, a meeting was conducted with the property owner regarding the Commissioners decision and it was explained that the operation of the business must be relocated from this particular site.

On May 27, 1999, the Code Enforcement Board issued its Findings of Fact, Conclusions of Law and Order on property located at 1500 Florida Ave. This order found the respondent, April Adams, 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 operating a welding business, which is not a permitted use in an A-5 Agricultural zoned district.

The Code Enforcement Board further ordered the owner to bring the property into compliance on or before September 1, 1999, or a fine of \$100.00 per day would be imposed, however, the respondent requested to appear before the Code Enforcement Board to request an extension of their compliance date. On August 26, 1999, the Code Enforcement Board granted the request and extended their compliance date to October 1, 1999.

On October 11, 1999, the property was re-inspected and found to remain in violation of the Code Enforcement Board's order, and an affidavit of non-compliance was filed by the code inspector.

On January 27, 2000, the Code Enforcement Board issued an Order, Imposing Penalty/Lien in the amount of \$9,100.00 and the fine of \$100.00 per day was ordered to continue past the date of the order. The property remained in violation with the lien continuing to accrue.

On May 17, 2001, the Code Enforcement Board directed staff to forward Case Number 97-55-CEB the County Attorney's Office for possible foreclosure. The property, however, was homestead and not considered a candidate for foreclosure.

On July 15, 2001, an inspection revealed the property was in compliance and an affidavit of compliance was filed and recorded.

CASE NUMBER 02-33-CEB

On November 2, 2001, an inspection performed by Addressing revealed a violation of Section 90.5(a6) of the Seminole County Code, in that improper or no address was displayed on the property. On November 14, 2001, notice of violation was issued with a compliance date of November 30, 2001.

On February 20, 2002, an inspection revealed compliance had not been achieved and a request for hearing was filed with the Clerk to the Code Enforcement Board.

On April 25, 2002, the Code Enforcement Board issued its Findings of Fact, Conclusions of Law and Order on property located at 1500 Florida Ave. This order found the respondent, April Adams, 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 90.5(a6).

The Code Enforcement Board further ordered the owner to bring the property into compliance on or before May 25, 2002, or a fine of \$25.00 per day would be imposed. On May 31, 2002 an inspection revealed compliance had not been achieved and an affidavit of non compliance was filed by the code inspector.

On July 25, 2002, the Code Enforcement Board issued an Order, Imposing Penalty/Lien in the amount of \$1,525.00 and the fine of \$25.00 per day was ordered to continue past the date of the order. The property remained in violation with the lien continuing to accrue until compliance was achieved on October 16, 2002 and an affidavit of compliance was filed by the code inspector.

The total amount of liens imposed on the property from Case Numbers 97-55-CEB and 02-33-CEB is \$65,675.00.

On March 5, 2003, Code Enforcement received a request from Washington Street Financial Corp, Robert Gillespie, President, requesting the Board of County Commission accept \$6,572.12, the amount received from the Clerk of the Circuit Court from the surplus proceeds in the foreclosure case and satisfy the liens on the property located at 1500 Florida Ave., Oviedo.

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:

The property is in compliance and a check in the amount of \$6,572.12 has been received, staff would recommend a reduction of the total lien amount from \$65,675.00 to \$6,572.12, the amount received from the Clerk of the Circuit Court and authorize the Chairman to sign and execute the satisfaction of lien.

Attachments:	11/18/02	Order for Disbursement of Surplus Proceeds
	11/26/02	Copy of Check from the Clerk of the Circuit Court
	12/03/02	Copy of Clerk of the Court's Transaction Ledger
	02/28/03	Request from Robert Gillespie

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT,
IN AND FOR SEMINOLE COUNTY,
FLORIDA

CASE NO. 02-CA-512-14-W

J.M. MOORE and DARLENE J. MOORE,

Plaintiffs,

vs.

APRIL M. ADAMS; THE UNITED STATES
OF AMERICA; and SEMINOLE COUNTY,
FLORIDA,

Defendants.

FILED IN OFFICE
HARRIANN MOORE
CLERK CIRCUIT COURT
02 NOV 19 PM 3:43
SEMINOLE CO., FL

ORDER FOR DISBURSEMENT OF SURPLUS PROCEEDS

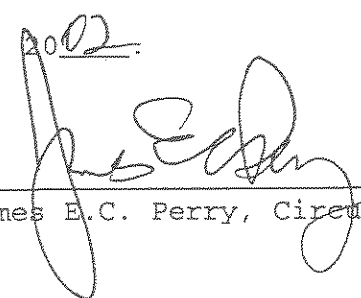
THIS CAUSE having come before the Court upon the Defendant, Seminole County's Motion for Disbursement of Surplus Proceeds, and the Court having reviewed the pleadings, and being otherwise advised in the premises, it is

ORDERED AND ADJUDGED that:

1. The Defendant, Seminole County's Motion is hereby GRANTED.
2. The Clerk of the Court is hereby authorized and ordered to disburse from the registry of the Court to Defendant, Seminole County, Florida the amount of \$6,572.12, representing payment for the code enforcement lien against the subject property from the surplus proceeds remaining from the judicial sale of the mortgage property, forthwith.
3. The Clerk of the Court shall mail the surplus proceeds to: Seminole County Board of County Commissioners, c/o County Finance Department, 1101 East First Street, Sanford, Florida 32771.

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DONE AND ORDERED in Chambers at Sanford, Seminole County, Florida
this 18th day of November, 2002.


James E.C. Perry, Circuit Judge

Copies to:

Arnold W. Schneider, Assistant County Attorney, Seminole County
Services Building, 1101 East First Street, Sanford, Florida 32773
Dougald B. Leitch, Esquire, 996 Westwood Square, Suite 5, Oviedo,
Florida 32765, Attorney for Plaintiffs J.M. Moore and Darlene J. Moore
April M. Adams, 1500 Florida Avenue, Oviedo, Florida 32765
Patricia A. Willing, Assistant United States Attorney, Attention:
Ronald A. Rodkey, Paralegal, Park Tower, 400 North Tampa Street, Suite
3200, Tampa, Florida 33602-4708, by U.S. Mail this 18th day of
November, 2002.



Clerk of the Circuit Court

SEMINOLE COUNTY

P.O. Box 4090
Sanford, Florida 32770-0090

WACHOVIA BANK, N.A.

089837

52-1
33d

CHECK 89837
DATE 11/26/02

AMOUNT *****6,572.12**

PAY THE SUM OF *****6,572.12DOLLARS

THE
ROER
F

BOARD OF COUNTY COMMISSIONERS
COUNTY FINANCE
1101 E FIRST STREET
SANFORD, FL 32771

VOID AFTER 90 DAYS

CLERK OF THE CIRCUIT COURT

Wayne Moore
MP

⑈089837⑈ ⑆063107513⑆2000006536725⑈

751216
00100/35420000
CODE enforce fine
MOORE IS Adam

1 2 3 4 5 6 7 8 9 A B C D E F G H I J K L R O EXIT
DISPLAY TRANSACTION LEDGER

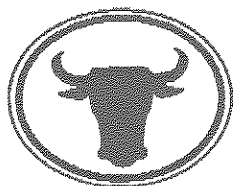
BOARD OF COUNTY COMMISSIONERS Seminole Cnty
Maryanne Morse-Clerk 02/20/03 PERIOD 5/03

QUERY NEXT PREVIOUS FIRST LAST TEXT END

DISPLAY NEXT RECORD IN QUERY

FUND 00100 GENERAL FUND
SECT/FUND 00100 GENERAL FUND
ACCOUNT 35420000 Code Enforcement
PROJECT TASK
PROJECT TASK ACC
CASH ACCOUNT 10402000 Equity In Pooled Cash
VENDOR P51216
RECEIVABLE ACCT
DISBURSE FUND
ENCUMBRANCES
LINE NUMBER
INVOICE/RECEIPT 0720
AMOUNT 6572.12
DESCRIPTION C.ENF.MOORE-ADAM #02CA512
ENTERED BY ktaylor

YEAR 03
PERIOD 3
TRANS CODE 24
TRANS DATE 12/03/02
DATE ENTERED 12/03/02
DUE DATE
INVOICE DATE
DISCOUNT AMT 0.00
CHECK NUMBER
CHECK DATE
PARTIAL/FINAL
LINE NUMBER 0
1099
CLEARED
VOID



Washington Street Financial Corp.
D/B/A RED BULL PROPERTIES
PROPERTY & MORTGAGE INVESTMENTS

February 28, 2003

Deborah Leigh
Seminole County Code Enforcement
1301 East Second Street
Sanford, FL 32771

RE: 1500 Florida Ave, Oviedo FL
Case# 97-55-CEB
Case# 02-33-CEB
Foreclosure Case # 02-CA-512

Dear Deborah;

I spoke to you last week regarding the above Code Enforcement cases. We purchased the above property from a foreclosure auction a few months ago. In that foreclosure case Seminole County was named as a junior defendant with regards to the foreclosure. From that foreclosure case Seminole County did receive a check from the surplus proceeds in the amount of \$6,572.12 to be applied to the liens from the above cases. Presently we are in the process of cleaning up the property so it can be resold. As per our conversation we would like to request from the Board that the liens in both cases be satisfied so we can proceed with selling the property. Any questions please call me. Thank you for all your time and assistance.

Sincerely;

Robert Gillespie
President