



Meeting Date
October 4, 2016

AGENDA	
Section	CONSENT
Item No.	II.C.1

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	BOARD CONSIDERATION RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR BANK OF AMERICA and ARNS, INC. MERRITT ISLAND (DIST. 2) FY16 FISCAL IMPACT - \$68,600 FINE/\$65,300 REDUCTION=\$3,300 PAYMENT DUE
DEPT/OFFICE:	Central Services Office/Clerk to the Special Magistrate/for Planning and Development

Requested Action:
It is requested that the Board consider the Special Magistrate's recommendation to reduce the accrued fine for the violation at 235 Northgrove Dr., Merritt Island, FL 32953; Case 14CE-00379, from \$68,600 to \$3,300 and direct staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

Summary Explanation & Background:
On July 21, 2016, the Code Enforcement Special Magistrate, upon petition of previous owner, Bank of America and ARNS, Inc., through their attorney, Angela M. Fiorentino, reviewed the basis for reduction of the fine, heard testimony from Angela M. Fiorentino and the County, and reviewed the Minutes and other documents from the original hearing.

This cause was initially heard during public hearing before the Code Enforcement Special Magistrate on 05/15/14 after due notice to the Respondent, Bank of America. The violation was for the safety issue of an unsecured pool. The Special Magistrate heard testimony under oath, received evidence, and issued Findings of Fact, Conclusions of Law and Order, and thereupon issued his oral Order which was reduced to writing and furnished to the Respondent.

The Special Magistrate's Order found the Respondent to have committed the violation. This case was brought back to the Special Magistrate on 11/19/15 because the Respondent did not comply in a timely manner with the Special Magistrate's Order. An Order Imposing Administrative Fine and/or Costs as Lien was filed against the property and upon any other real or personal property owned by the Respondent, Bank of America and ARNS, Inc., and recorded in the official records of Brevard County, Book 7496 Page 2739. The fine accrued at a rate of \$100 per day from 05/23/14 to the compliance date of 04/28/16 to \$70,600. A partial release payment of \$2,000 was received for other real property leaving the balance of the fine at \$68,600.

Testimony and evidence presented by Attorney, Angela M. Fiorentino, stated that their client installed an ASTM cover that holds up to 485 pounds and has a fastening mechanism. The County's posture was that said cover is not a sufficient barrier, as per the code. Subsequently, the pool enclosure barrier was repaired and compliance was achieved on May 6, 2016.

Findings: After hearing testimony from all parties involved, the Special Magistrate recommended a reduction of the fine from \$68,600 to \$3,300. This reduction is contingent upon payment being made within 30 days of the date that the Board of County Commissioners render a decision approving the Special Magistrate's recommendation, with an option for the establishment of a payment plan to be created within 30 days of the date that the Board render its decision. If the reduced amount is not paid accordingly, the accrued fine will revert to the original amount due, less payments received. Total actual costs are \$2,126 of which \$550 in enforcement costs have been paid.

FY16 FISCAL IMPACT - \$68,600 FINE/\$65,300 REDUCTION/\$3,300 PAYMENT DUE

Contacts: Robin M. DiFabio, AICP, Planning & Development Department 633-2069

Clerk to the Board Instructions: N/A

Exhibits Attached: Findings and Recommendation of the Special Magistrate, Reduction Factor Worksheet, Request for Reduction of Penalty, CAP Report, and copy of Property Appraiser's screen, actual costs worksheet

Contract /Agreement (If attached):	Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Director, Central Services Dept.	Department Director / Extension
Stockton Whitten	Teresa Camarate <i>Teresa Camarate</i>	Robin M. DiFabio <i>Robin M DiFabio</i> Robin M. DiFabio, AICP, Director, Planning & Development Dept.



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972
Tammy.Rowe@brevardclerk.us

October 5, 2016

To: Robin Di Fabio, Planning and Development Director

Re: Item II.C.1., Board Consideration for Request for Reduction of Fine and Release of Code Enforcement Lien for Bank of America and ARNS, Inc. in Merritt Island

The Board of County Commissioners, in regular session on October 4, 2016, reduced the accrued fine for the violation at 235 Northgrove Drive, Merritt Island, FL 32953, Case 14CE-00379, from \$68,600, to \$3,300; and directed staff to prepare and execute a Release and Satisfaction of Lien, upon receipt of payment.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe, Deputy Clerk

/cm

cc: Finance
Budget

**CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA**

**BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA**
a political subdivision of the State of Florida,
Petitioner,

CASE NUMBER: 14CE-00379

**Property Address:
235 NORTHGROVE DR, MERRITT ISLAND FL 32953
District: 2**

vs.

**BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR
BY MERGER TO BAC HOME LOANS SERVICING LP FKA
COUNTRYWIDE HOME LOANS SERVICING LP, (Previous Owner)
and ARNS, INC. (New Owner),
Respondent(s)**

**FINDINGS AND RECOMMENDATION TO
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**

Upon petition of BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP and ARNS, INC. the Code Enforcement Special Magistrate, on 7/21/2016, reviewed the basis for reduction of the accrued fine stated in the Request for Reduction of Penalty and Recommendation to Brevard County Board of County Commissioners application provided by Angela M. Fiorentino Attorney for (Previous Owner) and ARNS, INC. (New Owner), heard testimony from Angela M. Fiorentino and the County; reviewed the Minutes and other documents from the original hearing, and being fully advised finds:

I. FACTS

1. This cause came on for public hearing before the Code Enforcement Special Magistrate on 5/15/2014 after due notice to the Respondent, BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP, at which time the Code Enforcement Special Magistrate heard testimony under oath, received evidence, and issued his Findings of Fact, Conclusions of Law and Order & Lien for Costs, and thereupon issued his oral Order which was reduced to writing and furnished to the Respondent. Findings of Fact, Conclusions of Law and Order & Lien for Cost recorded in the official records of Brevard County Book 7126, Pages 2639-2640.

2. Said order required the Respondent to take certain corrective action for the violation by 5/23/2014, and in the event the violation is not corrected by the specified time a fine of \$100.00 per day will be imposed. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 11/19/2015 that the Respondent did not comply with the Special Magistrate's Order, and an Order Imposing Fine as Lien was filed against the property and upon any other real or personal property owned by the Respondents BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP and ARNS, INC., and recorded in the official records of Brevard County, Book 7496 at Page 2739.

3. A re-inspection on 5/6/2016 revealed the corrective action ordered by the Code Enforcement Special Magistrate was completed and the inspecting officer filed an Affidavit of Late Compliance. The fine accrued to \$70,600.00. A partial release payment of \$2,000.00 for other real property owned by Respondent was received. Balance of fine: \$68,600.00.

4. Testimony and evidence was presented by Angela M. Fiorentino Attorney, stating:

seeking reduction to \$3300 ASTM Barrier

5. Testimony was received from the County stating:

a) The County objects to the request for reduction **OR**
 The County acknowledges the Special Magistrate's authority to recommend a fine reduction pursuant to Board policy.

b) _____

II. FINDINGS

The Special Magistrate weighing the severity of the violations of UNSECURED POOL-SAFETY ISSUE.

+ Mitigation

All of above factors support ~~do~~ **<or>** *do not* support a recommendation of reduction of the accrued fine.

III. RECOMMENDATION

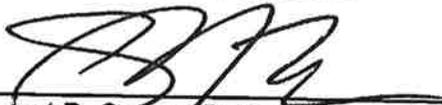
1. Based upon the foregoing factors, the request is DENIED.

OR

1. Based upon the foregoing factors, which in total weigh in favor of reduction of the accrued fine, the Special Magistrate recommends reduction of the balance of the accrued fine in the amount of \$68,600.00 to the reduced sum of \$ 3300, contingent upon:

- a. **Payment within 30 days** of the date the Board of County Commissioners renders a decision approving the Special Magistrate's recommendation.
- b. With an option for the establishment of a **payment plan which must be created within 30 days of the date of the Board of County Commissioners rendered decision, and payment plan timely paid accordingly.**
- c. If reduced amount is not paid by the above time frame(s) as specified, the accrued fine will revert to the original amount due, less payments received.
- d. The actual costs total: \$2,126.00. Enforcement costs in the amount of \$550.00 has been paid. Balance of actual costs: \$1,576.00.

Dated July 21, 2016.


Stewart B. Gapps, Special Magistrate
Code Enforcement

You have a right to appeal a final administrative Order to the 18th Circuit Court for Brevard County within a period of 30 days in accordance with Brevard County Code Section 2-178.

cc: Delivery by HAND OR Delivery by Mail
BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP, 1661 WORTHINGTON RD STE 100, WEST PALM BCH FL 33409
Angela Fiorentino, Baker, Donelson, Bearman, Caldwell & Berkowitz, 200 So. Orange Ave, #2900, Orlando, FL 32801

Mail payment once directive received from Board of County Commissioners to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940

REDUCTION FACTOR WORKSHEET

CASE #14CE-00379

A. Extenuating Circumstances? Circle any that apply.

- 1) The applicant did not have the resource to comply
- 2) The applicant had a financial hardship
- 3) The applicant had a medical hardship
- 4) The applicant was experiencing hard times or was a victim of circumstances.

Explain: _____

- 5) There were technical and/or procedural issues with the case
- 6) The applicant did not have authority to make corrections (i.e., other legal action pending)
- 7) The required corrections were complex in nature
- 8) The applicant's age prevented timely compliance
- 9) The applicant experienced a language barrier

B. Nature of the violation.

- 1) Heightened health, safety, welfare concern Yes/No
- 2) The amount of time to correct
 - a) 1-60 days
 - b) 61-120 days
 - c) Over 120 days
- 3) Degree of responsibility the applicant contributed to the delay in compliance
 - a) None
 - b) Somewhat
 - c) Complete
- 4) The applicant's level of cooperation with code enforcement
 - a) None
 - b) Somewhat
 - c) Complete
- 5) Did the applicant ever request an extension of the compliance date?

Yes ___ was it granted ___ denied ___ None requested
- 6) If yes, how many extensions were granted? _____

C. What type of interest does the applicant have on the property?

- 1) Considering acquiring the property
- 2) Foreclosure/Tax Deed Sale
- 3) Inherited property
- 4) Acquired property from the violator
- 5) The applicant was the owner when the violation occurred

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) _____

.....
Original Fine: \$70,600.00 - \$2,000.00 (for other property) = \$68,600.00

Recommend Reduction to \$ 3300

- Contingent on payment within 30 days
- Establish Payment Plan within _____ days, and pay in full by _____
- If unpaid, fine will revert to original amount, less payments received

7/21/10
[Signature]
S. Capps

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, ~~7/22/16~~ 7/21/16 9:00 a.m.,
Bldg C, 1st Floor Florida Room, Viera, FL 32940
FAX COMPLETED FORM TO: 321-633-2167
Mail original to: Brevard County Code Enforcement, 2725
Judge Fran Jamleson Way, Bldg A 103, Viera, FL 32940
DUE ON OR BEFORE: ASAP- 5/27/16

7/21/16 @ 9am?
Bldg C, 1st FL

Case No. 14CE-00379

Property Address: 235 NORTHGROVE DR, MERRITT ISLAND FL 32953
Owner's Name: BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS
SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP by Atty A. Fiorentino

**REQUEST FOR REDUCTION OF PENALTY and
RECOMMENDATION TO BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS**
(Consider this document your Notice of Hearing-No other notice will be sent for this request
*THIS IS A 2-STEP PROCESS)

BY COMPLETING THIS FORM, YOU ARE MAKING STATEMENTS UNDER OATH. FAILURE TO BE TRUTHFUL IS A VIOLATION OF
FLORIDA STATUTES PERTAINING TO PERJURY, WHICH IS A FELONY PUNISHABLE BY UP TO 15 YEARS IMPRISONMENT.

INSTRUCTIONS: Please review and complete the entire package. Failure to provide complete information
will delay consideration of your request. Enforcement Costs must be paid prior to scheduling case for
hearing and are not eligible for reduction. Be specific when writing your statement. Please return this form to
the Special Projects Coordinator in Code Enforcement prior to the above deadline. The Request will then be
scheduled for the next available Special Magistrate hearing and before the Board of County Commissioners
thereafter. You must be present at both of the meetings. If you are claiming medical or financial hardship,
you may attach supporting documentation, however they will become public record. If you have any questions,
please call Angela at (321) 633-2086, ext 52885.

ARNS, INC

Property Owner's Name: BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER
TO BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

Property Owner's Mailing Address: 1661 WORTHINGTON RD STE 100 WEST PALM BCH FL 33409
/Angela M. Fiorentino, Attorney, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC SunTrust Center 200
South Orange Avenue Suite 2900 Orlando, Florida 32801 (afiorentino@bakerdonelson.com)

Phone Number where you can be reached during the day: 407-367-5461

STATUS OF PROPERTY AS OF INSPECTION MADE BY: Nancy Sharp ON 4/28/2016
VIOLATION of: Section 22-278(1), Brevard County Code: Unsecured Pool-SAFETY ISSUE
Violation heard on 5/15/2014; fine ordered to accrue at \$100.00 per day from 5/23/2014 to 4/28/2016; the fine
accrued to \$70,600.00 (706 days in violation); Fine imposed as lien by Special Magistrate on 11/19/2015.
Credit for partial release payment on other real property of \$2,000.00. FINE BALANCE : \$68,600.00.
Enforcement costs in the amount of \$550.00 were paid on 11/17/2015.

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

Angela M. Fiorentino Attorney

CODE ENFORCEMENT
JUN 21 2016
RECEIVED
Page 1 of 3

REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

CASE #14CE-00379

A. Extenuating Circumstances? Circle any that apply.

- 1) The applicant did not have the resource to comply
- 2) The applicant had a financial hardship
- 3) The applicant had a medical hardship
- 4) The applicant was experiencing hard times or was a victim of circumstances.

Explain: Applicant believed it had complied with the original notice of violation

- 5) There were technical and/or procedural issues with the case
- 6) The applicant did not have authority to make corrections (i.e., other legal action pending)
- 7) The required corrections were complex in nature
- 8) The applicant's age prevented timely compliance
- 9) The applicant experienced a language barrier

B. Nature of the violation.

- 1) Heightened health, safety, welfare concern Yes/No
- 2) The amount of time to correct
 - a) 1-60 days
 - b) 61-120 days
 - c) Over 120 days
- 3) Degree of responsibility the applicant contributed to the delay in compliance
 - a) None
 - b) Somewhat
 - c) Complete
- 4) The applicant's level of cooperation with code enforcement
 - a) None
 - b) Somewhat
 - c) Complete
- 5) Did the applicant ever request an extension of the compliance date?
Yes _____ was it granted ___ denied ___ None requested
- 6) If yes, how many extensions were granted? _____

C. What type of interest does the applicant have on the property?

- 1) Considering acquiring the property
- 2) Foreclosure/Tax Deed Sale
- 3) Inherited property
- 4) Acquired property from the violator
- 5) The applicant was the owner when the violation occurred

D. Financial beneficiary of the fine reduction

- 1) Violator
- 2) New owner who corrected violation
- 3) _____

.....
Original Fine: \$70,600.00 - \$2,000.00 (for other property) = \$68,600.00

Recommend Reduction to \$ 3,300 (100 x 34 days)
(Please Enter an Amount)

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA, a
political subdivision of the State of Florida,

CODE ENFORCEMENT SPECIAL
MAGISTRATE, BREVARD COUNTY,
FLORIDA

Petitioner,

CASE NUMBER: 14CE-00379

vs.

BANK OF AMERICA NATIONAL
ASSOCIATION, SUCCESSOR BY MERGER
TO BAC HOME LOANS SERVICING LP
FKA COUNTRYWIDE HOME LOANS
SERVICING LP and ARNS, INC.,

Respondent(s)

AFFIDAVIT IN SUPPORT OF REQUEST FOR REDUCTION OF PENALTY

BEFORE ME, an officer authorized to take oaths this day personally appeared T. Shane Hidle, Regional Field Services Manager employed by Altisource Solutions, Inc. ("Altisource"), who, being first duly sworn, deposes and says:

1. Altisource is a vendor utilized by the loan servicer for the property located at 235 Northgrove Drive, Merritt Island, Florida 32953 (the "235 Property").
2. The information in this Affidavit is taken from Altisource's business records and the records provided by Angela Damm-Martling of Brevard County Code Enforcement Division via email on November 20, 2015 (the "County Records").
3. Altisource's business records reviewed by me were (a) made at or near the time of the occurrence of the matters recorded by persons with personal knowledge of the information in the business record or from information transmitted by persons with personal knowledge; (b) kept in the course of Altisource's regularly conducted business activities; and (c) it is the regular practice of Altisource to make such records.

4. Altisource's records reflect that on or about March 28, 2014, Altisource received a request by the loan servicer for the 235 Property to secure the pool. In connection with this request, Altisource received the Notice of Violation dated March 14, 2014 and attached hereto as **Exhibit A**.

5. On June 10, 2014, Altisource ordered an ASTM (American Society for Testing and Materials) approved safety cover for the pool at the 235 Property (the "ASTM-Approved Barrier"). A copy of the invoice for the ASTM-Approved Barrier is attached hereto as **Exhibit B**.

6. The ASTM-Approved Barrier is certified to meet or exceed the ASTM pool cover safety standards articulated in ASTM F1346-91 and Chapter 515 of the Florida Statutes, entitled *Residential Swimming Pool Safety Act*.

7. The ASTM-Approved Barrier holds up to 485 pounds and includes a fastening mechanism that inhibits children from removing the cover or otherwise accessing the pool.

8. The ASTM-Approved Barrier was custom made and fitted for the pool at the 235 Property and as a result, several weeks passed between when Altisource ordered the ASTM-Approved Barrier and when it was installed.

9. Altisource's records reflect that the ASTM-Approved Barrier was installed on June 24, 2014. A copy of the work order evidencing installation of the ASTM-Approved Barrier is attached hereto as **Exhibit C**.

10. Photographs of the installed ASTM-Approved Barrier dated June 24, 2014 and August 25, 2015 are attached hereto as **Composite Exhibit D**.

11. Altisource believed that the ASTM-Approved Barrier achieved compliance with Subsection "(4)" of Section 22-278 of the Brevard County Codes as articulated in the Notice of Violation attached hereto as Exhibit A.

12. Altisource's records reflect that it did not receive any further notice from the County regarding the Notice of Violation for the 235 Property until October 2015.

13. The County's records reflect that it did not send any further notices regarding the 235 Property until the Notice of Hearing sent on October 28, 2015.

14. As soon as Altisource became aware of the County's belief that the violation had not been corrected, it requested repairs to the pool screen enclosure, although it believed that it had already complied with the Notice of Violation.

15. In the interim between the issuance of the Notice of Violation dated March 14, 2014 by the County and the issuance of the Notice of Hearing dated October 28, 2015, the 235 Property was sold. The change in ownership further complicated the approval process for repairing the screen.

FURTHER AFFIANT SAYETH NOT.

T. Shane Hidle
T. Shane Hidle, Regional Field Services
Manager employed by Altisource Solutions, Inc.

STATE OF Florida

COUNTY OF Orange

The foregoing Affidavit was sworn to and subscribed before me this 24th day of June, 2016, by T. Shane Hidle, Regional Field Services Manager employed by Altisource Solutions, Inc. who [] is personally known to me or [x] has produced FDOL as identification.



Jennifer Francis
Notary Public

Jennifer Francis
Print Name

EXHIBIT A



FLORIDA'S SPACE COAST



PLANNING and DEVELOPMENT DEPARTMENT
Code Enforcement
2725 Judge Fran Jamieson Way, Bldg A, Suite 103
Viera, Florida 32940

TELEPHONE: (321)633-2086
Fax (321)633-2167

NOTICE OF VIOLATION

March 14, 2014

COMPLAINT: 14CE-00379
Certified Mail/Hand Delivery
Posting & 1st Class Mail

BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC
HOME LOANS SERVICING LP fka COUNTRYWIDE HOME LOANS SERVICING LP
c/o OCWEN LOAN SERVICING LLC 1661 WORTHINGTON RD STE 100
WEST PALM BCH FL 33409

Subject property legal description and/or street address:
Township: 23 Range: 36 Section: 34 Subd: 01 Block: C Lot: 6

a/k/a 235 NORTHGROVE DR MERRITT ISLAND FL 32953
Unit Info:

Dear Sir/Madam:

You are hereby notified as the owner/person responsible for the subject property, that an inspection of the premises on 03-SEP-2013 indicates that a violation of the Brevard County Code exists. The violation(s) could be an initial violation, recurring violation or a repeat violation. The property is in violation of

1. Section 22-278(1), Brevard County Code - Swimming pools, spas, and hot tub barriers. All swimming pools, spas, and hot tubs containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier complying with required criteria. UNSECURED POOLS, SPAS, AND HOT TUBS ARE CONSIDERED IMMINENT HEALTH SAFETY VIOLATIONS.

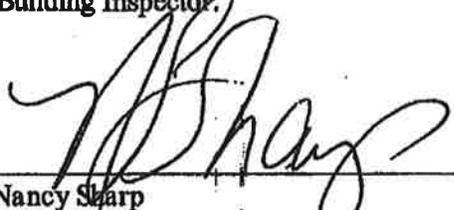
Initial xx Recurring Repeat Irreparable

Specifically: Repair or replace the torn or missing screens in the screen pool enclosure to secure the pool.

14CE-00379
March 14, 2014

This correspondence will serve as official notification that the above stated violation(s) must be corrected within 10 days of receipt of this notice or date of posting of this notice for initial violation(s) only. FAILURE TO COMPLY BEFORE THIS DATE WILL RESULT IN THE COMMENCEMENT OF APPROPRIATE ENFORCEMENT ACTION AND/OR POSSIBLE FINE AND ENFORCEMENT COSTS SHOULD THIS MATTER BE REFERRED TO THE SPECIAL MAGISTRATE FOR RESOLUTION. If the cited violation(s) are of a recurring or repeat nature, or a Natural Resource violation that is irreversible/irreparable your appearance will be required at this specified hearing. (There will be no time to cure for violations that are irreversible/irreparable or repeat.)

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer or Building Inspector.



Nancy Sharp
Code Enforcement Officer/Building Inspector
Code Enforcement Section (321) 633-2086
Building Violations: (321) 633-2086
Sign Violations: (321) 633-2086
Environmental Health: (321) 633-2100
Natural Resources: (321) 633-2016
Fire Safety: (321) 633-2056
Unsafe Structures and Unfit for Human Habitation: (321) 633-2058

Enclosure
CC:

AWILDA ESTERAS, ADORNO & YOSS LLP,
ATTORNEYS FOR PLAINTIFF., COUNTRYWIDE
HOME LOANS, INC.

2525 PONCE DE LEON
BOULEVARD, SUITE 400 MIAMI FL 33134

ENFORCEMENT PROCESS

14CE-00379

March 14, 2014

Pursuant to Chapter 162 of the Florida Statutes, the Board of County Commissioners has created the Code Enforcement Special Magistrate process. The purpose of this process is to provide an equitable, expeditious, effective and inexpensive method of enforcing the codes and ordinances in force in Brevard County, Florida.

You have been issued either a Notice of Violation, Statement of Recurring Violation, Statement of Repeat Violation, or Statement of Irreparable/Irreversible Violation by Brevard County (Code Enforcement, Natural Resources, etc). This makes you a RESPONDENT in a Code Enforcement proceeding. Since proceedings of the Code Enforcement Special Magistrate process are legal in nature, you may wish to retain legal counsel.

NOTICE OF VIOLATION--

Failure to comply with terms of the Notice of Violation may result in this matter being referred to the Brevard County Code Enforcement Special Magistrate for resolution. If a hearing is required and you are found in violation of the Brevard County Code of Ordinances, the Special Magistrate will assess enforcement costs against you.

STATEMENT OF RECURRING, REPEAT OR IRREPARABLE/IRREVERSIBLE VIOLATION--

A Notice of Recurring Violation, Notice of Repeat Violation or Notice of An Irreparable/Irreversible Violation will be automatically referred to the Special Magistrate for resolution, with a Notice of Hearing reflecting the date and time of the hearing. If you are found in violation of the Brevard County Code of Ordinances, the Special Magistrate will assess costs against you.

You have committed a RECURRING VIOLATION if you were issued a notice of violation for the same violation in the past five years but the matter was resolved BEFORE a hearing was held.

You have committed a REPEAT VIOLATION if the Special Magistrate has issued an Order in the past five years that you were in violation of the same violation. A repeat violation is eligible for enhanced fines. Upon the Special Magistrate's findings that a repeat violation has been committed, the Special Magistrate may order the violator to pay a fine for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer.

You have committed an IRREVERSIBLE/IRREPARABLE violation if you cannot cure the violation (i.e., cutting down a tree, environmental hazard, etc).

SPECIAL MAGISTRATE--

The Special Magistrate is an independent hearing officer retained to conduct hearings on alleged violation of the County Code as provided for in Chapter 162. Please refer to the Rules of the Special Magistrate for the procedures of the hearing. The Rules of the Special Magistrate should be attached to all notices of hearings, however, if you did not receive a copy, please contact Code Enforcement at (321) 633-2086 to obtain a copy.

At the conclusion of the hearing, the Code Enforcement Special Magistrate shall issue findings of fact based on evidence of record and conclusions of law, and shall issue an Order affording the proper relief consistent with powers granted by Florida law and County code.

14CE-00379
March 14, 2014

FINES--

If you are found in violation of the County Code, pursuant to Section 2-176 of the Code of Ordinances of Brevard County, Florida, the Special Magistrate may levy fines. The fine imposed shall not exceed \$1,000.00 per day for a first violation, and shall not exceed \$5,000.00 per day for a recurring or repeat violation, and, in addition, may include all costs of repairs. However, if the Special Magistrate finds the violation to be irreparable or irreversible in nature, the Special Magistrate may impose a fine not to exceed \$15,000.00 per violation.

ENFORCEMENT COSTS--

Additionally, pursuant to Section 2-176, if Brevard County prevails in enforcing a case before the Special Magistrate, it shall be entitled to recover all costs incurred in enforcing the case before the Special Magistrate, and in any appeals from the Special Magistrate's order. Such costs include, but are not limited to investigative, administrative and prosecution costs (Uncontested cases = \$350.00; Contested cases = \$550.00).

LIENS--

The fine and/or repair assessment, if not paid, may become a lien on all your non-exempt real and personal property located in Brevard County. This lien may be satisfied by foreclosure in compliance with the Florida Constitution. Additionally, enforcement costs may be imposed as a lien on the property (at such time it is not a homestead under Section 4 of Article X of the Florida Constitution) and any and all other non-exempt real or personal property you own.

APPEAL--

An aggrieved party, including Brevard County, as part of due process, may appeal a final administrative order of the Special Magistrate to the Circuit Court. Any such appeal must be filed within thirty (30) days of the date of the administrative order.

OTHER ADMINISTRATIVE REMEDIES--

You may have available to you administrative remedies such as rezoning, conditional use permit or variance. In the event you file an application with the Board of Adjustment, or other administrative agency, be advised that you, as the petitioner, have the burden of proof that all applicable criteria have been met entitling you to the requested relief. It is your responsibility to determine whether or not you believe you are entitled to any administrative relief available and file the applicable forms within the time specified for compliance in this Notice of Violation.

If you decide to proceed with an application for an administrative remedy for those violations cited referencing Article VI, Sections 62-1101 through 62-2800 and Article IX, Sections 62-3301 through 62-3600, it should be filed with the Brevard County Planning & Zoning Department, 2725 Judge Fran Jamieson Way, Bldg A, Melbourne, FL 32940. Filing such an application, however, does not necessarily guarantee the granting of a variance or the administrative relief requested. Further information may be obtained by calling the Planning & Zoning Department at (321) 633-2070.

For violations cited referencing Florida Building Code and Standard Housing Code, you may have available to you administrative remedies and it is the responsibility of the owner and/or agent to obtain any necessary permit(s) before commencing construction. To correct the violation you will need to contact Code Enforcement for information on how to obtain a building permit at (321) 633-2086. For violations of the Standard Unsafe Building Abatement Code and Unfit for Human Habitation, you will need to contact Licensing Regulation and Housing Code for information at (321) 633-2058.

Sec. 22-278 Maintenance standards and requirements.

(1) *Swimming pools, spas, and hot tub barriers.* Private swimming pools, hot tubs, and spas, containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier complying with the following criteria:

(1) Fences or barriers must be at least 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. The barrier may not have any gaps, openings, indentations, protrusions, or structural components that could allow a young child to crawl under, squeeze through, or climb over the barrier.

Exception: Permanent natural or permanent man-made features such as bulkheads, canals, lakes, navigable waterways, etc., adjacent to swimming pools and spas may be permitted as a barrier.

(2) Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position 6 inches from the gate post.

(3) The structure of an above ground swimming pool may be used as its barrier or the barrier for such a pool may be mounted on top of its structure; however, such structure or separately mounted barrier must meet all barrier requirements of this section. In addition, any ladder or steps that are the means of access to an above ground pool must be capable of being secured, locked, or removed to prevent access or must be surrounded by a barrier that meets the requirements of this section.

(4) A cover or other approved preventative measures that inhibits access to the water of swimming pools, spas and hot tubs may be used to meet the barrier requirement. Such covers or preventative measures must be constructed, installed and maintained to safeguard against access by children to the water contained within. Cover ties, attachment points, anchors, controls for automatic covers, or other fastening means must include provisions such as keys, combination locks, special tools, devices, inaccessible locations, and the like to inhibit children from removing or operating the cover or preventative measure.

(5) No existing pool enclosure shall be replaced or changed in a manner that reduces its effectiveness as a safety barrier.

EXHIBIT B



Estimate # SAF-205862-14-WQ
 Customer Pool Guard
 Dealer Nick Carter
 Consumer WI10174361

Date May 30th 2014 01:02 PM
 (Last Modified May 30th 2014 01:08 PM)
 Author GLI - Mary Peachock

Details					
POOL DIM	SHAPE	CORNERS	END SHAPE	DECK	EST ANCHORS
A=16' 1.25" B=28' 2"	Freeform		100% Concrete	Other	34 Mesh 37 Solid

Drawing is for illustration only and does not represent your actual pool



Pricing Note: ASSUMED LADDER WILL BE REMOVED. IF INCORRECT, PLEASE ADVISE.

Description	Qty	SAP Mesh		ProMesh		SNC Solid		HyperLife	
		Each	Total	Each	Total	Each	Total	Each	Total
Sq. Footage (3x3)	569	3.28	\$ 1931.92	4.08	\$ 2409.01	4.09	\$ 2409.01	4.33	\$ 2550.37
Cable for Secur-A-Gap	32	1.37	\$ 43.84	1.37	\$ 43.84	1.37	\$ 43.84	1.37	\$ 43.84
Cable hardware kit	1	37.61	\$ 37.61	37.61	\$ 37.61	37.61	\$ 37.61	37.61	\$ 37.61
Drain - STD Mesh	1		N/A		N/A		N/A		N/A
Kleen Screen Drain (solid only)	1		N/A		N/A	0.00	\$ 0.00	0.00	\$ 0.00
Raised Wall Linear Foot Charge	22	41.26	\$ 907.72	41.26	\$ 907.72	41.26	\$ 907.72	41.26	\$ 907.72
Total			\$ 2921.09		\$ 3398.18		\$ 3398.18		\$ 3538.54

-PRICING FOR THIS QUOTE IS VALID FOR 30 DAYS FROM THE DATE CREATED-

-GREEN & BLUE COVER PRICING IS THE SAME - COLOR MUST BE SPECIFIED ON YOUR PURCHASE ORDER-

-COVERS OVER 2500 SQUARE FEET ARE CONSIDERED COMMERCIAL COVERS AND WILL RECEIVE A SHIPPING GUARANTEE OF 5 WORKING DAYS FROM GLTS RECEIPT OF A COMPLETED ORDER-

-UNLESS NOTED IN THE QUOTE, THE LIST PRICE CITED INCLUDES ALL NECESSARY HARDWARE FOR INSTALLATION-

-The Quilt Estimate Program is designed to provide you with a fast price estimate using limited measurements. Please note that you will receive an estimated price only and the price is subject to change upon verification of pool dimensions or features. If this estimate becomes an order, we will require complete measurements using the standard measuring form.

EXHIBIT B

EXHIBIT C



P.O. Box 105460 | Atlanta, Georgia 30348-5460

Contract Order

Property Information

Property ID : 71107257151	Unit : Unit-1	Primary Vendor Code: 100099439
Client Code,Name : CL005 Altisource Residential Assets	Unit Description :	Primary Vendor Name : Bankers Maintenance and Inspections LLC
Property Type : PUD	No. of Units : 1	Preservation Coordinator : thatteyu
Investor : C16058	Asset Value : 205000.00	Email : yuvaraju.thatte@altisource.com
Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953	TPC : 34558.20	Gate Code :
	Client Status : LITIGAT	Access Code : C2743
	Property Status : Marketing	Lock Location : front
	Occupancy Status :	Priority Asset : Normal Order

Vendor Information

Vendor ID : 100126962	City : CLEARWATER	Fax :
Vendor Name : Pool Guard Mfg	State, Zip : FL 33762	Email : Covers@poolguardmfg.com
Address 1 : 11575 47th Street N	Contact Name : Corkery Danielle	Sub Contractor :
Address 2 :	Business Phone : (727)-573-7888	Access Issues - Contact # :

Work Item Information

Work Item Type : Contract Order	Priority : Normal Order	Issued Date : 06/10/2014 10:39 AM
Work Item # : WI10493017	Completion Time : 15 Days 0 Hrs	Completed Date : 06/24/2014 12:24 PM
Created Date : 06/10/2014 06:04 AM	Est. Completion Time : 15 Days 0 Hrs	SLA Value : In SLA
Status : Closed	Vendor Price : 2800.00	
Attachment Required : False	Overnight Payment : False	

SLA Details

Vendor Response Date : 06/11/2014 11:30 PM Vendor Resolution Date : 06/25/2014 11:30 PM Client Resolution Date : 06/25/2014 11:30 PM

Line Item Information

Category Name	Line Item Name	Price Type	LI Type	UOM	Quantity	Cost Per Qty	Total Price
Pool	Custom Pool Cleaning and Closing	Non Standard	Preservation	Each	1	2800.00	2800.00

Special Instructions

ASTM approved custom safety cover with pool cleaning & install. - replaces WI10174361

EXHIBIT C

EXHIBIT D

Property ID : 71107267151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953

Completed Date : 8/24/2014 12:24:19 PM



Description : After with cover

Photo Type : Pool

Before/After : After

Capture Date : 08/23/2014 12:00 PM



Description : After with cover

Photo Type : Pool

Before/After : After

Capture Date : 08/23/2014 12:00 PM



Description : After with cover

Photo Type : Pool

Before/After : After

Capture Date : 08/23/2014 12:00 PM



Description : After with cover

Photo Type : Pool

Before/After : After

Capture Date : 08/23/2014 12:00 PM



Description : After with cover

Photo Type : Pool

Before/After : After

Capture Date : 08/23/2014 12:00 PM



Description : After with cover

Photo Type : Pool

Before/After : After

Capture Date : 08/23/2014 12:00 PM

EXHIBIT D

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32863

Completed Date : 6/24/2014 12:24:19 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953

Completed Date : 6/24/2014 12:24:19 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : During/after pool clean

Photo Type : Pool

Before/After : After

Capture Date : 06/23/2014 12:00 PM



Description : before - ASTM approved custom safety cover with pool cleaning & install.

Photo Type : Pool

Before/After : Before

Capture Date : 06/23/2014 12:00 PM

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953

Completed Date : 8/24/2014 12:24:19 PM



Description : before - ASTM approved custom safety cover with pool cleaning & Install.

Photo Type : Pool

Before/After : Before

Capture Date : 06/23/2014 12:00 PM



Description : before - ASTM approved custom safety cover with pool cleaning & Install.

Photo Type : Pool

Before/After : Before

Capture Date : 06/23/2014 12:00 PM



Description : before - ASTM approved custom safety cover with pool cleaning & Install.

Photo Type : Pool

Before/After : Before

Capture Date : 05/27/2014 10:30 AM

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32853

Completed Date :

Altisource®



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:45 PM

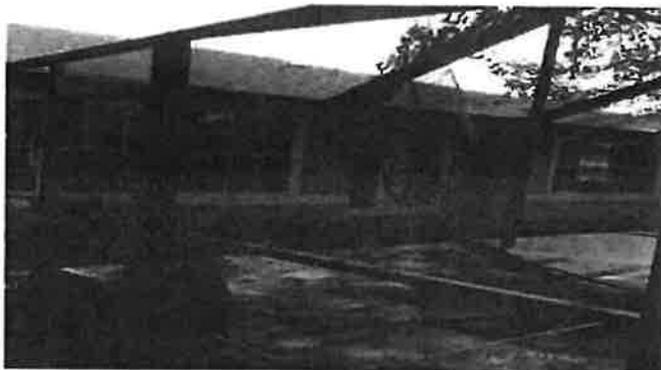


Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:40 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:35 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:30 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:25 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:20 PM

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953

Completed Date :



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:16 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:10 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:05 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:00 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:55 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:50 PM

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953

Completed Date :



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:45 PM

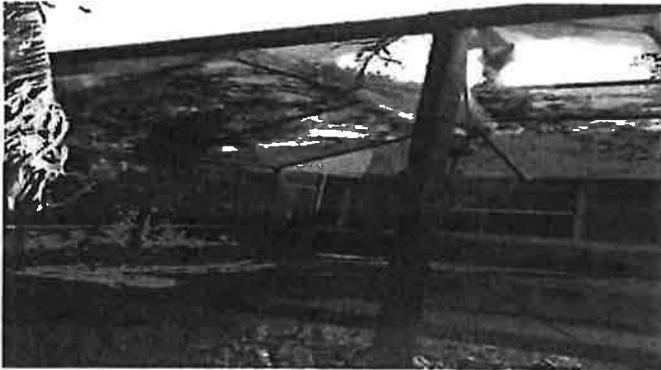


Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:40 PM

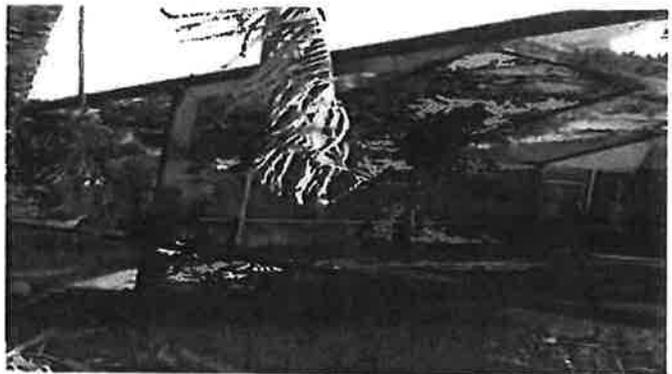


Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:35 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 6:30 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:25 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2016 5:20 PM

Property ID : 71107257151

Property Address : 235, Northgrove Dr, MERRITT ISLAND, FL, 32953

Completed Date :



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:15 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:10 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:05 PM



Description : Exterior Repair

Photo Type : Front View

Before/After : Before

Capture Date : 08/25/2015 5:00 PM

**Brevard County Code Enforcement
Case Application (CAP) Report**

CAP#: 14CE-00379

Date Complaint Received:

Related CAP's: 13CE-01581

Case Status: Order

Officer/Inspector:

Subject Property Information:

Parcel ID #: Twn. 23 Rg. 36 Sec. 34 Sub. 01 Blk: C Lot 6

Address: 235 NORTHGROVE DR MERRITT ISLAND FL 32953

Complaint:

Cited Violation(s):

1. Section 22-278(1), Brevard County Code - Swimming pools, spas, and hot tub barriers. All swimming pools, spas, and hot tubs containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier complying with required criteria. UNSECURED POOLS, SPAS, AND HOT TUBS ARE CONSIDERED IMMINENT HEALTH SAFETY VIOLATIONS.

Initial xx Recurring Repeat Irreparable

Specifically: Repair or replace the torn or missing screens in the screen pool enclosure to secure the pool.

Comments:

ViewID Comment(s):

**OWNER INFORMATION: BANK OF AMERICA, NATIONAL ASSOCIATION,
SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING, LP fka
COUNTRYWIDE HOME LOANS SERVICING LP**

INITIAL / NOTICE OF VIOLATION (NOV) This report relates to a citizen complaint alleging an unmaintained pool with trees growing out of the top of the screen at 235 Northgrove Drive in Merritt Island.

Formerly in Lis Pendens, case# 05-2008-CA-013870, a Certificate of Title has been issued.

A Notice of Violation (NOV) has been generated for violation of Brevard County Code (BCC); 1. Section 22-278(1), Brevard County Code - Swimming pools, spas, and hot tub barriers. All swimming pools, spas, and hot tubs containing water more than 24 inches in depth shall be completely surrounded by a fence or barrier complying with required criteria. **UNSECURED POOLS, SPAS, AND HOT TUBS ARE CONSIDERED IMMINENT HEALTH SAFETY VIOLATIONS.**

Specifically: Repair or replace the torn or missing screens in the screen pool enclosure. A compliance date of 10 days from receipt has been given.

NOV RECEIVED

On 3/24/14 the certified mail receipt was returned to this office and NOV was received with a compliance period of 10 calendar days after receipt. A compliance date of 4/3/14 has been given.

REINSPECTION AFTER NOV

On Monday 4/14/14 at 9:45am, CEO Sharp made a re-inspection of the property and observed that the pool enclosure remains unchanged. Photos taken. This case will be forwarded to the next available Special Magistrate hearing for determination.

SAFETY ISSUE: YES . CERTIFIED .

ZONING CLASSIFICATION: EU-2_.

DATE VIOLATION 1ST OBSERVED: 9/3/13 in prior case #13CE-01581 closed to current case due to new ownership.

DATE NOTICE OF VIOLATION RECEIVED: 3/24/14.

DATE GIVEN FOR COMPLIANCE: 10 days from receipt.

RE-INSPECTION DATE: _4/14/14.

ViewID Comment(s):

4/16/14 Case scheduled for 05/15/2014 Special Magistrate Hearing as a Health Safety violation. Notice will be provided by certified mail.dh

CONTACT

On 5-7-14 at 11:30am, CEO Sharp returned a phone call to Deborah Rochet. She stated that she wants to be at the hearing because this has been going on for years and she has 12 grandchildren that will come through the summer and she has grave concerns for these and other neighborhood children. I explained the Code Enforcement process and discussed the possibilities if the respondent does not respond.

PRE-HEARING INSPECTION

On Wednesday 5/14/14 at 1:10pm, CEO Sharp made a pre-hearing inspection of the property and observed the pool remains unsecured. Photos were taken.

CONTACT

On Wednesday 5/14/14 at 3:10pm, I received a phone call from Mary Medeiro, Bankers Maintenance and inspection, phone #(772)242-1394; e-mail marybeth.m@bmireo.com; stating that they do maintenance for the bank. She sent an inspector out today to take photographs. I advised her that a hearing would be held on Thursday 5/25/24 at 9:00am. She was unaware. I advised her of the specific violation on the property and she stated that repairs would begin as soon as possible.

CSM 05/15/14

Bank of America National Association, Respondents, were not present.

Nancy Sharp, CEO, was present and stated the violation is for an unsecured pool. Exhibits A-D were entered into evidence.

The Special Magistrate ordered the Respondent(s) be found in violation of Initial, Section 22-278 (1), Brevard County Code, and ordered a compliance date of 05/22/14 (7 days) with a fine to begin to accrue of \$100 per day if not in compliance, as this is a safety issue with an unsecured pool. Costs were assessed in the amount of \$550 and must be paid within 30 days of this hearing. Findings of Fact, Conclusions of Law and Order and Lien for Cost recorded in the official records of Brevard County, Book 7126, Pages 2639-2640.

POST HEARING INSPECTION / NON COMPLIANCE

On Thursday 5/29/14 at 1:10pm, CEO Sharp made a post hearing inspection. The violation remains. Photos were taken.

6/18/2014: Affidavit of Non-Compliance prepared, researched and verified property appraiser, collection letter sent. adm.

ViewID Comment(s):

FOLLOW UP INSPECTION / NON COMPLIANCE

Officer Supplemental: On Thursday 07/03/14 at 2:30 PM., CEO Michael Verostic inspected the subject property and observed the pool was not secured and the screens were still torn or missing. The property is not in compliance. Photos were taken. Case pending.

7/16/15: Responded to Konjenbam.Singh@altisource.com inquiry, informed of active safety violation, accruing \$100/day fine, as of today is \$41,900 plus \$550 costs, contact CEO Sharp to discuss compliance options. adm.

COMMENT: On Friday 7/24/15, CEO Sharp made a reinspection of the property. The violation regarding the unsecured pool remains unchanged. On 5/18/15 a new owner, ARNS INC., was recorded with the Clerk of Court. The current owner information has been added.

COMMENT: On Friday 7/31/15 at 2:16pm, I sent an e-mail to Angela Damm-Martling:

Angela:

Per our conversation on how to proceed with this case, an entry was made: On Friday 7/24/15, CEO Sharp made a reinspection of the property. The violation regarding the unsecured pool remains unchanged. On 5/18/15 a new owner, ARNS INC., was recorded with the Clerk of Court. The new owner information was added as a contact.

Nancy Sharp
Code Enforcement Officer III
Brevard County Code Enforcement
Planning & Development Division
2725 Judge Fran Jamieson Way, A-103
Viera, Florida 32940
(321)633-2086 phone
(321)633-2167 fax

10/6/15: Returned telephone call to Altisource (855-339-6325, extension 295664), name inaudible, and informed by message that violation remains active, fines accruing, provided return telephone number contact information. adm.

10/6/15: Responded to 'kalai.selviR@rw.altisource.com' inquiry, informed of active safety violation, as of today, \$50,100 and continuing \$100/per day plus \$550. Contact CEO Sharp to discuss compliance. adm.

ViewID Comment(s):

10/26/15: Responded to inquiry from Christianmark.Panzo@Altisource.com: The specifics in my attached statement you provided from 10/6/2015 on tax account 2318861/235 Northgrove Drive, refers to the active violation active of: Unsecured pool. Contact Code Enforcement Officer, Nancy Sharp to discuss compliance options at (321) 633-2086, extension 56216. As of today, fine continues to accrue and has now reached \$52,100.00 plus \$550 cost, total due: \$52,650. adm

10/26/15: Received e-mail informing case assigned and returned reply with follow-up e-mail informing of case scheduled for imposition on 11/19/15, and provided information regarding reduction process, payment of costs, compliance and authorization required. adm.

10/26/15: Case scheduled 11/19/15 Special Magistrate for Imposition. Notice provided by certified mail to Bank of America and new owner ARNS Inc and new contact by request, Mr. Panzo at Altisource, by certified mail and email. adm.

10/28/15: Telephone call from Mr. Panzo after e-mail regarding typo on courtesy letter accompanying Notice of Hearing. Responded through e-mail: Pursuant to our conversation, there was a typographical error of "Knost Dr" on the courtesy letter attached to the Notice of Hearing. The case number 14CE-00379 and address for 235 Northgrove Dr is the issue that needs to be addressed. Please contact Nancy Sharp to discuss compliance. Also, as discussed, the enforcement costs of \$550 must be paid and compliance achieved prior to any consideration for reduction. adm.

10/28/15: Amended Notice of Hearing for Imposition prepared and provided by certified mail, correcting typo of address on letter attached to previous notice. Date of 11/19/15 remains the same. adm.

10-26-15 at 9:50am, CEO Sharp spoke to Mark Panzo (770)612-7007 ext. 293129, regarding compliance. We discussed what will be required to come into compliance. I explained that the pool was unsecured due to the torn and missing screens in the enclosure. He stated that he would assign this case to the code compliance specialist to work on. I advised him that he should call and let me know when the pool is secured so that a reinspection could be made. Case pending.

11/4/15: Returned call to Angela with Baker Donaldson for Ocwen (407-367-5461). regarding hearing, informed to contact Nancy Sharp. Message cut off after that comment was left. adm.

ViewID Comment(s):

11/16/15: Received call from Angela Fiorentino, attorney, with Baker Donaldson (ORL (407) 367-5461), on behalf of ARNS/Bank of America/Ocwen Loans regarding the status of the case, requesting a possible continuance. Informed of the active violation, costs outstanding and payment requirement and discussed reduction and recommendation processes. They will be filing a Notice of Appearance and Motion for Continuance. Provided County Attorney's Office number and Assistant County Attorneys Yuan and Berrios names. Ms. Fiorentino requested an inspection after client texted during conversation stating in compliance; I spoke to CEO Sharp informing of the request to re-inspect and she stated she would on 11/17.adm.

11/17/15: Returned telephone call to Wanda Irvin, assistant to Angela Fiorentino, attorney for Respondent, to pay enforcement costs by credit card. Receipt with be e-mailed. adm.

Cont: 4:46pm. Provided receipt for payment of costs and informed: As discussed, at your earliest convenience, please e-mail me a copy of the Notice of Appearance and the Motion for Continuance as Angela Fiorentino previously discussed (forwarding the originals to my attention for the file). It may be possible that I can forward the same to the Assistant County Attorney's for their review prior to the hearing. Otherwise, the hearing will remain as scheduled. Nancy Sharp, Code Officer, will be planning on inspecting the property tomorrow as she was not able to inspect it today. She said she will contact me with the results. The date of compliance will be retroactive to Monday, if it is in compliance.
adm.

11/18/15: Responded to e-mail providing e-mail and mailing address of attorneys for any notices and motions. Thereafter, telephone call from CEO Nancy Sharp informing of Non-compliance of property. Second e-mail informing Attorney Fiorentino. adm.

11/18/15: Received Notice of Appearance for Angela Fiorentino for Bank of America and ARNS. adm.

11/20/15: Request for copy of case file be provided to Angela Fiorentino by e-mail. adm.

ViewID Comment(s):

CSM 11/19/15

Attorney, Angela Fiorentino, was present and stated the pool is covered so it's less of an attractive nuisance. She requested copy of exhibits.

Nancy Sharp, CEO, was present.
Exhibits A- I were entered into evidence.

ACA, Diana Yuan, stated the property is not in compliance.

The Special Magistrate ordered the fine be imposed as stated on the Order Imposing Fine As Lien. The fine has accrued at \$100.00 per day to the amount of \$54,500.00 as of today's date. Safety violation. The fine will not exceed \$86,289.00, which is 35% of the assessed value of the property. Enforcement costs in the amount of \$550.00 were paid on 11/17/15. The Order Imposing Fine As Lien was recorded in official records of Brevard County, Book 7496 Page 2739.

PRE IMPOSITION : On 11/18/15 at 11:00am, CEO Sharp made an inspection, the screens remain torn out of the pool enclosure. A blue tarp is covering the pool. Photos were taken I placed a call and spoke to Angela Damm-Martling and advised her that the property remains in violation. Case pending.

ViewID Comment(s):

E-MAIL RECEIVED: From: Fiorentino, Angela [mailto:afiorentino@bakerdonelson.com]
Sent: Thursday, December 10, 2015 6:42 AM
To: Damm-Martling, Angela R; Sharp, Nancy L
Cc: Harris, Tammy J; Scanes, Wanda C; Smith, Michael; Irvin, Wanda
Subject: RE: 14CE-00379- 235 Northgrove Dr, MERRITT ISLAND, FL, 32953

Hello Angela and Nancy,

I hope you are well. Our client's vendor reports that they have repaired the pool screen. They sent us the attached photos as proof. Can you please confirm the violation has been remedied? Thank you.

Angela M. Fiorentino
Attorney

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
SunTrust Center
200 South Orange Avenue
Suite 2900
Orlando, Florida 32801

Phone: 407.367.5461
Facsimile: 407.264.8429
afiorentino@bakerdonelson.com

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
represents clients across the U.S. and abroad from offices
in Alabama, Florida, Georgia, Louisiana, Mississippi, Tennessee,
Texas and Washington, D.C.

ViewID Comment(s):

E-MAIL RESPONSE: From: Sharp, Nancy L <Nancy.Sharp@brevardcounty.us>
Sent: Thu 12/10/2015 9:49 AM
To: 'Fiorentino, Angela' <afiorentino@bakerdonelson.com>; Damm-Martling, Angela R <Angela.Dammmartling@brevardcounty.us>
Cc: Harris, Tammy J; Scanes, Wanda C; Smith, Michael; Irvin, Wanda
Subject: RE: 14CE-00379- 235 Northgrove Dr, MERRITT ISLAND, FL, 32953
Good Morning Angela:

I will fit this into my inspection schedule for this afternoon. It will probably be tomorrow morning before I can send you the inspection results. Fingers crossed! Have a great day.

Thank you,

Nancy Sharp
Code Enforcement Officer III
Brevard County Code Enforcement
Planning & Development Division
2725 Judge Fran Jamieson Way, A-103
Viera, Florida 32940
(321)633-2086 phone
(321)633-2167 fax

E-MAIL RECEIVED: From: Fiorentino, Angela [mailto:afiorentino@bakerdonelson.com]
Sent: Thursday, December 10, 2015 9:55 AM
To: Sharp, Nancy L; Damm-Martling, Angela R
Cc: Harris, Tammy J; Scanes, Wanda C; Smith, Michael; Irvin, Wanda
Subject: RE: 14CE-00379- 235 Northgrove Dr, MERRITT ISLAND, FL, 32953

Wonderful, thank you!

Angela M. Fiorentino
Attorney

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
SunTrust Center
200 South Orange Avenue
Suite 2900
Orlando, Florida 32801

Phone: 407.367.5461
Facsimile: 407.264.8429
afiorentino@bakerdonelson.com

ViewID Comment(s):

INSPECTION MADE & E-MAIL SENT:

From: Sharp, Nancy L <Nancy.Sharp@brevardcounty.us> Sent: Fri 12/11/2015 12:05 PM
To: Fiorentino, Angela [mailto:afiorentino@bakerdonelson.com]
; Damm-Martling, Angela R
Cc: Harris, Tammy J <Tammy.Harris@brevardcounty.us>; Engel, Mark
<mark.engel@brevardcounty.us>J; Subject: RE: 14CE-00379- 235 Northgrove Dr, MERRITT
ISLAND, FL, 32953
Good Morning Angela:

After responding to you yesterday, 12/10/15, I viewed the photos taken by your client's vendor and found it odd that none of the photos showed the entire screen enclosure, only what appeared to be the bottom panels. I made the inspection yesterday afternoon and was disappointed to find that the violation remains. Only the bottom of the screen enclosure was replaced. I measured the height of this section and it was 2'10" (34") from the bottom aluminum rail to the top of the middle rail where the new screen was installed. The minimum height barrier is 48" The enclosure has two exterior doors. One has no screen in it at all and is hanging open approximately 12", the other is screened however; the hinge for the padlock on the door handle is bent allowing the door to be open approximately 5". I did pull on it slightly because it appeared to be broken, it is intact however; the entire structure moves as if it is not attached to the concrete anymore. The doors should be self-closing and self-latching at a height of 54". The pool cover that was installed incorrectly still curls up so that the water is visible so it does not secure the pool properly at all. The screens in upper half and top of the screen enclosure remain either missing or torn open. I have attached a couple of photos and a copy of Section 22-278(1) that regulates swimming pool barrier requirements.

If you should have any further questions, do not hesitate to contact me.

Nancy Sharp
Code Enforcement Officer III
Brevard County Code Enforcement
Planning & Development Division
2725 Judge Fran Jamieson Way, A-103
Viera, Florida 32940
(321)633-2086 phone
(321)633-2167 fax

12/16/15: Responded to inquiry from michelle.sesco@statetitle.net regarding two (2) properties/cases and informed: 15CE-00746 1390 SE TORGERSON RD PALM BAY FL 32909 (2950565), fines of \$3,100 remain outstanding, costs paid, violation complied; and 14CE-00379 235 NORTHGROVE DR MERRITT ISLAND FL 32953 (2318861), violation remains active, fines accruing, as of today \$57,200, costs paid, contact CEO Sharp. adm.

ViewID Comment(s):

1/26/16: Received check 022368 for \$2000 for partial release for 2100 Forest Knoll. County Attorney's Office will prepare partial release for County Manager signature. adm.

2/19/16: Unique partial release recorded NOT FOR 235 NORTHGROVE or Respondent, Bank of America, et. al., in OR Book 7552, Page 1363. Case remains open and active. adm.

VIOLATION CORRECTED: A reinspection of the property was made on Friday 5/6/16 a 5:40pm. The violation has been corrected. An e-mail was sent to Angela Damm-Martling, in the hearing office and Angela M. Fiorentino, Attorney, Baker, Donelson, Bearman, Caldwell & Berkowitz, PC.

5/10/16: Affidavit of Late Compliance prepared; fines of \$68,600 assessed. (Note: fines accrued to \$70,600, minus unique partial release fee previously recorded). adm.

5/10/16: E-mail pursuant to telephone message from to Angela Fiorentino, (407-367-5461), attorney for Bank of America, informing of outstanding fines of \$68,600 (a fine accrued to \$70,600 and partial release payment of \$2,000 was received.) Costs have been paid. adm.

5/10/16: Response from Fiorentino requesting application for Recommendation. Informed of hearing of 6/16 and 7/21. adm.

5/23/16: Began preparing application for Recommendation for Reduction for 6/16/16 hearing. adm.

Cont. Pursuant to e-mail(s). adm.

5/24/16: E-mailed application for Recommendation for Reduction to afiorentino@bakerdonelson.com with a return date of completed application of 5/27/16 for 6/16/16 hearing. adm.

6/3/16: Case removed from agenda, no application received. adm.

6/8/16: Returned call to Bankers Maintenance who requested a clearance letter. Informed property is not in full compliance due to outstanding fine; only violation complied. Case was scheduled for hearing for recommendation for reduction, however removed, application not received. adm.

6/16/16: Received e-mail from Angela Fiorentino with Application and Affidavit. adm.

6/20/16: Review of application, no amount included on application, e-mailed A. Fiorentino requesting completed page 3 and confirming 7/21 date and informing of location (Commission Room) for hearing. Provided contact information for CAO to discuss her materials. adm.

ViewID Comment(s):

6/21/16: Received revised application from Angela Fiorentino. adm.

EMAIL RESPONSE RE REDUCTION: On 7/8/16 at 8:00am, CEO Sharp received an email from Director Robin DiFabio regarding approval for reduction. "I had been asked about this reduction by the CAO last week, since respondent's attorney evidently had contacted our attorneys. They are requesting a reduction to approximately \$3,300. I said I was okay with such a reduction. The CAO spoke to the attorney representing Bank of America and told her we wouldn't object to that amount." The e-mail has been uploaded into accella documents for this case.

CSM 07/21/16

Attorney, Angela Fiorentino, Bank of America National Association, was present and stated that their client installed an ASTM (American Society for Testing Materials) barrier that holds up to 485 pounds that has a fastening mechanism they submitted as evidence.

ACA, Cristina Berrios stated that the County does not see this ASTM barrier as a sufficient barrier, as per the code.

The Special Magistrate makes the recommendation to the Board of County Commissioners that the fine which has accrued to \$68,600 in this case be reduced to \$3,300, contingent upon: payment within 30 days of the date the BOCC render a decision approving the Special Magistrate's recommendation; with an option for the establishment of a payment plan which must be created within 30 days of the date of the BOCC's rendered decision and payment plan timely paid accordingly; if reduced amount is not paid by the above time-frame as specified, the accrued fine will revert to the original amount due, less payments received; the actual costs total \$2,126. Enforcement cost in the amount of \$550 has been paid. Balance of actual cost \$1,576. This will be tentatively scheduled for the August 23, 2016 BOCC meeting. Due date to Sally is August 9, 2016.

9/11/16: Prepare package for transmittal to clerk to schedule before the Board of County Commissioners. Responded to e-mail from Attorney Fiorentino (Bank of America) that the clerk to the Special Magistrate will contact her regarding the date the matter will be scheduled. adm.

Property Owner Information:

Name	Address	City	State	ZIP	Phone
BANK OF AMERICA NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO BAC HOME LOANS SERVICING LP fka COUNTRYWIDE HOME LOANS SERVICING LP	c/o OCWEN LOAN SERVICING LLC 1661 WORTHINGTON RD STE 100	WEST PALM BCH	FL	33409	-

Complainant Information:

Name	Address	City	State	ZIP	Phone
Deborah Rochet	215 Northgrove Drive	Merritt Island	FL	32953	(321)759-7255
Dick Martens	D2 Commission Office				(321)454-6601
Patrick Sonser					(917)817-9666

Other Contact Information:

Name	BusinessName	Address	City	State	ZIP	Phone
Altisource, Christian Mark D. Panzo		P.O. Box 105460	Atlanta	GA	30348	(770)612-7007
Angela Fiorentino, Attorney for Bank of America, Baker Donelson		200 South Orange Avenue Suite 2900	Orlando	FL	32801	(407)367-5461
ARNS, INC. c/o Altisource Asset Management Corporation		402 Strand Street	Frederiksted	USVI	00840	-
AWILDA ESTERAS, ADORNO & YOSS LLP, ATTORNEYS FOR PLAINTIFF., COUNTRYWIDE HOME LOANS, INC.		2525 PONCE DE LEON BOULEVARD, SUITE 400	MIAMI	FL	33134	(305)460-1000

Worksheet for Assessment of Actual Costs for Case 14CE-00379

Inspector	Sharp							
Wages S&B Hourly	\$26.85							
Per Minute	\$0.45							
Officer Costs:								Sub Total
# Field Inspections	8 x	\$26.85	Hourly	Total	\$214.80			\$214.80
Vehicle Mileage								per mile
# Field Inspections	8 x2: Rdtrip	16	x miles	16	256	0.54		\$138.24
Administrative Costs:								
		Minutes						
# Computer Entries	52	10	520		\$0.45			\$232.70
# Telephone calls	37	5	185		\$0.45			\$82.79
# Research	19	15	285		\$0.45			\$127.54
# Hearings/Prehearings	3	120	360		\$0.45			\$161.10
								\$604.13
Extra Investigative Insp:								
S&B Hr/Mn		Minutes						
								\$0.00
								\$0.00
Recording Fees								
1 Page	\$10.00							\$30.00
2 Pages	\$28.50							\$28.50
3 Pages	\$39.00							
4 Pages	\$49.50							
Hearings (public, extension, reduction, imposition)	3 x	\$200.00					Legal Fees	\$600.00
Hearing Prep Office-number of hearings	6 x	\$85.00						\$510.00
Subtotal Actual Costs for case								\$2,126
Enforcement Costs Assessed and Paid - \$350 or \$550								\$550
Balance due of Actual Costs - DEFICIT								\$1,576



Brevard County Property Appraiser

Government Complex • North

400 South Street • Titusville, FL 32796

Phone: (321) 264-6700

<https://www.bcpao.us>

Account #: 2318861

Property Information

Owners: Arns Inc
 Site Address: 235 Northgrove Dr Merritt Island Fl 32953
 Mailing Address: 402 Strand St Frederiksted Vi 00840
 Parcel ID: 23-36-34-01-C-6
 Property Use: 0110 - Single Family Residence
 Exemptions: None
 Taxing District: 2200 - Unincorp District 2
 Subdivision: North Grove

Value Summary Information

Value Category	2016	2015	2014
Total Market Value	\$270,860	\$246,540	\$224,170
Agricultural Market Value	\$0	\$0	\$0
Assessed Value Non-School	\$270,860	\$246,540	\$224,170
Assessed Value School	\$270,860	\$246,540	\$224,170
Homestead Exemption	\$0	\$0	\$0
Additional Homestead	\$0	\$0	\$0
Other Exemptions	\$0	\$0	\$0
Taxable Value Non-School	\$270,860	\$246,540	\$224,170
Taxable Value School	\$270,860	\$246,540	\$224,170

Sales History Information

Sale Date	Sale Price	Deed Type	Vacant/Improved	Book/Page
10/24/2014	\$100	QC	False	7367/2244
08/14/2014	\$100	QC	False	7367/2243
01/24/2014	\$100	CT	False	7054/1625
12/19/2006	\$526,000	WD	False	5733/7995
08/03/2005	\$140,000	QC	False	5521/2143
05/04/2004	\$299,900	WD	False	5287/1249
05/19/2000	\$167,500	WD	False	4167/2329
05/01/2000	\$150,000	WD	False	4167/2327
07/30/1992	\$170,000	WD	False	3215/3739
10/30/1991	\$25,000	WD	True	3160/4900
04/30/1990	\$27,500	WD		3052/2780

Building Information

Property Data Card #1
 Building Use: 0110 - Single Family Residence
 Year Built: 1992

Building Materials		Building Sub-areas	
EXTERIOR WALL	STUCCO	BASE AREA (1st)	3168
FRAME	WOOD FRAME	GARAGE	420
ROOF	ASPH/ASB SHNGL	OPEN PORCH	81
ROOF STRUCTURE	HIP/GABLE	OPEN PORCH	138
Extra/Special Features			
POOL DECK		617	
ALL SCREEN: 1 STORY		868	
POOL: RESIDENTIAL		1	

Land Information

Total Acres: 0.34
 Site Code: 0001 - No Other Code Appl.
 Plat Book/Page: 0036/0082
 Description: North Grove Lot 6 Blk C