



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.15.

12/7/2021

Subject:

Lamoureux Code Enforcement Liens

Fiscal Impact:

Filing fees and other associated costs estimated at \$2,500.00.

Dept/Office:

County Attorney at the Request of the District 2 Commission Office

Requested Action:

Authorize County Attorney's Office to file foreclosure action against David Lamoureux and the Estate of Robert E. Lamoureux based on Code Enforcement liens totaling \$26,975.00.

Summary Explanation and Background:

At the direction of District 2, the County Attorney's Office is requesting permission to file foreclosure proceedings pertaining to any and all unsatisfied liens the Board of County Commissioners of Brevard County, Florida may have against David Lamoureux and the Estate of Robert E. Lamoureux, and or/or any subsequent transferee(s), with respect to non-homesteaded real property.

The County Attorney's Office may, in lieu of or in addition to filing a foreclosure action, petition the circuit court in order to sue for money judgment(s) to enforce any and all unsatisfied liens by execution and levy against the personal property of the David Lamoureux and the Estate of Robert E. Lamoureux.

Any settlement must be approved by the Board of County Commissioners

Clerk to the Board Instructions:

None.



December 8, 2021

M E M O R A N D U M

TO: Abigail Jorandby, County Attorney

RE: Item F.15., Lamoureux Code Enforcement Liens

The Board of County Commissioners, in regular session on December 7, 2021, authorized the County Attorney's Office to file foreclosure action against David Lamoureux and the Estate of Robert E. Lamoureux, based on Code Enforcement liens totaling \$26,975.00.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK

Kimberly Powell, Clerk to the Board

/sm

cc: County Manager
Commissioner District 2

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

CASE 18CE-00490

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

CFN 2020180212, OR BK 8831 PAGE 1438,
Recorded 08/21/2020 at 08:38 AM, Scott Ellis, Clerk of
Courts, Brevard County
Pgs:1

v.

**DAVID A LAMOUREUX & ROBERT E LAMOUREUX,
Respondent(s).**

ORDER IMPOSING FINE AS LIEN

The Brevard County Code Enforcement Special Magistrate hereby finds and orders:

1) On 9/20/2018, the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs in Official Records Book 8268, Page 1047 in the Office of the Clerk of the Circuit Court of Brevard County, Florida.

2) The Order notifies respondent(s) that fines may be imposed as a lien pursuant to Florida Statute 162.09.

THEREFORE, the fines are hereby imposed as a lien. Pursuant to Florida Statute 162.09, a certified copy of this Order will be recorded in the public records in the Office of the Clerk of the Circuit Court of Brevard County, Florida and shall constitute a lien against all real and personal property of the Respondent(s) as long as the property is not exempt as homestead property under Section 4 of Article X of the Florida Constitution.

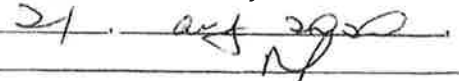
DONE AND ORDERED on 08/20/2020.

STATE OF FLORIDA (COUNTY OF BREVARD)


CERTIFICATION I hereby certify this is a true

and correct copy of the Finding of Fact/

Order of Imposition. Witness my hand on this


Clerk to the Special Magistrate.

CODE ENFORCEMENT SPECIAL MAGISTRATE
OF BREVARD COUNTY, FLORIDA


Stewart B. Capps

You have the right to appeal this Order to the Circuit Court within thirty (30) days from the date of this Order, in accordance with Brevard County Code Section 2-178, after which time you will have no right to contest it.

CC:

DAVID A LAMOUREUX & ROBERT E LAMOUREUX, 1680 E RIVIERA DR, MERRITT ISLAND, FL
32952-5648

To check the status of a property, visit Code Enforcement at <https://acaweb.brevardcounty.us/citizenaccess/>

Payment payable to Board of County Commissioners and mail to Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940

**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 NO: 20CE-01091

vs.
DAVID A LAMOUREUX; ROBERT E LAMOUREUX,
any subsequent purchasers, successors in interest, or assigns,
Respondent(s).

CFN 2021069667, OR BK 9056 PAGE 1108,
Recorded 03/19/2021 at 08:47 AM, Rachel M. Sadoff,
Clerk of Courts, Brevard County
Pgs:2

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER & LIEN FOR COSTS

THIS CAUSE came on for public hearing before the Special Magistrate on 3/18/2021 after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence, and issued his Findings of Fact, Conclusions of Law and Order, thereupon issued his oral Order which was reduced to writing and furnished to the Respondents, as follows:

I. FINDINGS OF FACT: There are violations of SPECIFICALLY:

Secure exposed electrical wiring on the left side of the property. Secure security lighting on the front left corner of property dangling by electrical wiring. Secure exposed wiring at front entry way to electrical outlet. Maintain property so that it does not pose a threat to public health, safety, or welfare.

On property described as: Tax Account: 2431973
Township: 24 Range: 37 Section: 19 Subdivision: 07 Block:C Lot: 43
Also Identified as: 1680 E RIVIERA DR, MERRITT ISLAND, FL 32952

II. CONCLUSIONS OF LAW: Based upon the testimony heard and the evidence presented, the Special Magistrate concludes there is a violation of the following County Code Sections:

Section 22-278(e), Brevard County Code - Building and Structure requirements. Buildings and structures shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to public health, safety or welfare.

Section 22-278(e)(1), Brevard County Code - Exterior Surfaces. All exterior surfaces shall be maintained in good condition.

Section 22-278(e)(2), Brevard County Code - Exterior Walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials.

Violations INITIAL

HEIGHTENED THREAT to public health, safety, or welfare: YES _____ NO XX

III. ORDER:

Based upon the foregoing Findings of Fact and Conclusion of Law, it is hereby ORDERED THAT:

Respondents are to bring the property into compliance by March 29, 2021 (10 days).

Fine assessed in the amount of \$ 25.00 per day beginning March 29, 2021, until compliance as determined by the Officer/Inspector.

REPEAT VIOLATION FINE: \$ N/A per day beginning N/A, until compliance as determined by the Officer/Inspector.

Fine assessed for irreversible/irreparable violation(s): \$ N/A

FINES MAY BE IMPOSED AS A LIEN IN COMPLIANCE WITH F.S. 162.09 AT THE NEXT AVAILABLE HEARING.

SPECIAL REQUIREMENTS: _____

To ensure compliance with this Order, pursuant to the applicable laws and at Respondent(s)' expense, the County may: Tow _____ Demolish _____ Secure _____

ENFORCEMENT COSTS ASSESSED IN THE AMOUNT OF \$ 350.00 ARE TO BE PAID WITHIN 30 DAYS OF THIS HEARING DATE.

Enforcement costs are hereby imposed as a lien on Respondents real and personal property in compliance with Florida Statute 162.09; including any fines assessed for irreversible or irreparable violations.

IT SHALL BE THE RESPONDENTS' RESPONSIBILITY TO CONTACT THE CODE ENFORCEMENT OFFICER/BUILDING INSPECTOR WITHIN 24 HOURS AFTER THE VIOLATION HAS BEEN CORRECTED TO STOP THE FINE FROM ACCRUING AT (321) 633-2086.

DONE AND ORDERED this 18th day of March, 2021.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart B. Capps

You have a right to appeal this Order to the Circuit Court within a period of 30 days from the date of this Order, in accordance with Brevard County Code, Section 2-178.

ALL PAYMENTS PAYABLE TO THE BOARD OF COUNTY COMMISSIONERS and mailed to: Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A, Room 114, Viera, FL 32940.

CC: DAVID A LAMOUREUX & ROBERT E LAMOUREUX 1680 E RIVIERA DR, MERRITT ISLAND, FL 32952

STATE OF FLORIDA (COUNTY OF BREVARD)

CERTIFICATION I hereby certify this is a true

and correct copy of the Finding of Fact/

Order of Imposition. Witness my hand on this

18th March 2021


Clerk to the Special Magistrate.

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

CASE 17CE-00080

CFN 2020180214, OR BK 8831 PAGE 1440,
Recorded 08/21/2020 at 08:38 AM, Scott Ellis, Clerk of
Courts, Brevard County
Pgs:1

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

v.

**DAVID A LAMOUREUX, ROBERT E LAMOUREUX,
Respondent(s).**

ORDER IMPOSING FINE AS LIEN

The Brevard County Code Enforcement Special Magistrate hereby finds and orders:

1) On 04/20/2017, the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order & Lien for Costs in Official Records Book 7869, Page 2677 in the Office of the Clerk of the Circuit Court of Brevard County, Florida.

2) The Order notifies respondent(s) that fines may be imposed as a lien pursuant to Florida Statute 162.09.

THEREFORE, the fines are hereby imposed as a lien. Pursuant to Florida Statute 162.09, a certified copy of this Order will be recorded in the public records in the Office of the Clerk of the Circuit Court of Brevard County, Florida and shall constitute a lien against all real and personal property of the Respondent(s) as long as the property is not exempt as homestead property under Section 4 of Article X of the Florida Constitution.

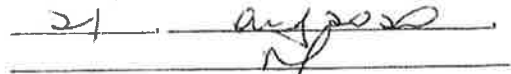
DONE AND ORDERED on 08/20/2020.

STATE OF FLORIDA (COUNTY OF BREVARD)

CERTIFICATION I hereby certify this is a true

and correct copy of the Finding of Fact/

Order of Imposition. Witness my hand on this


Clerk to the Special Magistrate.

CODE ENFORCEMENT SPECIAL MAGISTRATE
OF BREVARD COUNTY, FLORIDA


Stewart B. Capps

You have the right to appeal this Order to the Circuit Court within thirty (30) days from the date of this Order, in accordance with Brevard County Code Section 2-178, after which time you will have no right to contest it.

CC:

DAVID A LAMOUREUX, ROBERT E LAMOUREUX, 1680 E RIVIERA DR, MERRITT ISLAND, FL 32952 -5648

To check the status of a property, visit Code Enforcement at <https://acaweb.brevardcounty.us/citizenaccess/>

Payment payable to Board of County Commissioners and mail to Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940

**BEFORE THE SPECIAL MAGISTRATE FOR CODE ENFORCEMENT
IN AND FOR BREVARD COUNTY, FLORIDA**

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

**Case Nos. 17CE-00080
18CE-00490
20CE-01091**

v.

**DAVID A. LAMOUREUX and
ROBERT E. LAMOUREUX,
any subsequent purchasers,
successors in interest, or assigns,
Respondents.**

STATE OF FLORIDA (COUNTY OF BREVARD)

CERTIFICATION I hereby certify this is a true
and correct copy of the Finding of Fact/
Order of Imposition. Witness my hand on this

16 September 2021

Kathleen Williams

Clerk to the Special Magistrate

**AUTHORIZATION FOR THE COUNTY ATTORNEY'S OFFICE TO PROCEED WITH
FORECLOSURE ON LIENS OR RECOVER MONEY JUDGMENT**

WHEREFORE, pursuant to Section 162.09(3), Florida Statutes, the Code Enforcement Special Magistrate may authorize the local governing body attorney to foreclose on a code enforcement lien or sue to recover a money judgment in certain circumstances, I hereby find the following:

1. In accordance with Florida Statutes and the Brevard County Code of Ordinances, liens were recorded by Brevard County Code Enforcement against David Lamoureux and Robert E. Lamoureux.
2. In Case Nos. 17CE-00080 and 18CE-00490, liens were recorded on August 21, 2020.
3. In Case No. 20CE-01091, a lien for enforcement costs only was recorded on March 19, 2021.
4. More than three (3) months have passed since the recording of the liens.
5. To date, the aforementioned liens remain unpaid.

THEREFORE, in accordance with Florida Statutes and the Brevard County Code of Ordinances, I hereby authorize the Brevard County Attorney's Office to foreclose on the aforementioned liens or sue to recover money judgments, for the amount of the liens plus any accrued interest, against David Lamoureux and Robert E. Lamoureux, and/or any subsequent transferee(s), purchaser(s), successor(s) in interest or assigns.

DONE AND ORDERED this 16 day of September, 2021.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA



Stewart B. Capps, Special Magistrate