

Meeting Date
April 19, 2016



AGENDA REPORT

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Lien reduction request for the property located at 537 Longan Drive, Barefoot Bay, Florida 32976.
DEPT/OFFICE:	Citizen Request / Ivan Dimitrov Ivanov, Esq.

Requested Action: Lien reduction

Inspirational Properties, LLC and Bay Living, Inc. as the joint owners of the above-referenced property, respectfully request a lien reduction of the current lien of \$13,973.40. The Special Magistrate has previously recommended that the lien is reduced to \$1,262 on December 19, 2013.

Summary Explanation & Background:

The underlying fine was incurred as a result of the actions of a prior owner of the property, Eleanor Greene as Trustee. Once the current joint owners of the subject property acquired the property at a tax deed sale on July 25, 2013, they immediately reached out to Barefoot Bay Recreation District and to Brevard Code Enforcement and addressed any outstanding code violation issues. Current owners of the property have maintained the property in compliance with the requirements of both Brevard Code Enforcement and Barefoot Bay Recreation District since the time of purchase including, but not limited to, repairing and replacing the underpinning of the property to bring into compliance with association request.

The current owners of the subject property should not be penalized, or otherwise punished and responsible to pay a fine which was incurred by prior owner, especially since the code violation issue has been addressed and there was no additional costs incurred by the County. The current owners' due diligence should be considered favorably by this Board. The current owner's actions were validated and favorably considered by the Special Magistrate as he recommended the lien reduction to the Board of County Commissioners.

The excessive fine does not allow for the current owners to complete the upgrade of the inside and outside of the property and sell the property. The Brevard County Property Appraiser estimates the market value of the property in 2015 at \$46,190, and as it stands the outstanding county lien is in the amount of \$13,973.40. It is in both the County's best interest as well as in the interest of all other parties involved (current owners, Barefoot Bay Recreation District) that the Board of County Commissioners would reduce the fine as recommended by the Magistrate. The current owners stand ready and prepared to pay the amount of \$1,262 within 10 days of the Board reaching a favorable conclusion.

Contact Ivan Dimitrov Ivanov, Esa., Ivanov Law, P.A. 1-813-563-6646 /
 email: theivanovlawfirm@gmail.com

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney Yes No PR

County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	



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

April 20, 2016

MEMORANDUM

TO: Stockton Whitten, County Manager

RE: Item VI.F.1., Citizen Request by Ivan Dimitrov Ivanov, Esq. for Lien Reduction Request for the Property Located at 537 Longan Drive, Barefoot Bay

The Board of County Commissioners, in regular session on April 19, 2016, denied citizen request made by Ivan Dimitrov, Esq. for lien reduction request for the property located at 537 Longan Drive, Barefoot Bay.

Your continued cooperation is greatly appreciated.

Sincerely yours,

**BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK**

Tammy Rowe, Deputy Clerk

/ds

cc: Finance
Budget

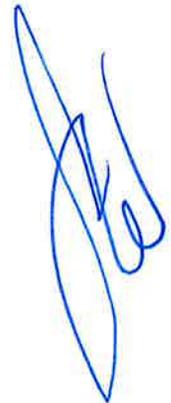
**PLANNING & DEVELOPMENT DEPARTMENT
STAFF REPORT RE:
REQUEST FOR FINE REDUCTION FOR 537 LONGAN DRIVE, BAREFOOT BAY**

Background:

Inspirational Properties, LLC and Bay Living, Inc. are requesting a fine reduction from \$14,665 to \$1,262 for t537 Longan Drive, Barefoot Bay. This request was previously considered by the Board on January 28, 2014 and was denied. Copies of the 2014 agenda report and BCC Board Minutes are attached for your information.

The following provides a brief summation of events:

- The property was found to be in violation for minimum housing code violations in March 2007.
- Property came into compliance in January 2009. The fine had accrued to \$14,665 (35% of the assesses value, per BCC policy).
- The fine remain unpaid and was imposed as a lien in April 2009.
- Inspirational Properties LLC and Bay Living, Inc. ("New Owners") purchased the property at a tax deed sale in July 2013 for \$12,000. At that time, the assessed value of the property was \$34,050.
- \$691 in surplus funds from the tax deed sale were disbursed by the Clerk's Office to Code Enforcement. Staff applied \$550 toward unpaid costs and the remaining \$141 was applied toward the fine. The balance of the fine remains unpaid.
- The New Owners did not play a role in bringing the property into compliance.
- In December 2013, the New Owners appeared before the Special Magistrate to request a fine reduction. The Special Magistrate recommended a reduction to \$1,262.
- The fine reduction request was heard by the BCC in January 2014 and was denied by the Board. At the time of consideration, the assessed value of the property had increased to \$39,610.
- The New Owners have not made any payments toward the fine to date.
- The 2015 assessed value of the property increased to \$46,190.



January 28, 2014

ITEM VII.C.1., BOARD CONSIDERATION, RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR INSPIRATIONAL PROPERTIES LLC AND BAY LIVING INC. - BAREFOOT BAY

Robin Sobrino, Planning and Development Director, stated this Item is related to a Code Enforcement case that took place in 2007; it was a housing violation, and the case was brought into compliance of January of 2009. She added the fines that accrued during the violation have never been paid; Inspirational Properties, LLC, and Bay Living, Inc., purchased the property at a Tax Deed Sale this past summer; and they are seeking a reduction in the fines that had accrued back in 2009; and she would like to bring to the Board's attention the circumstances. She advised in this case, the property had been in compliance in 2009, but the current property owners are seeking a reduction in the fine.

Becky Boncek stated she would like the Board to approve the reduction; she did not intend on speaking. Commissioner Nelson inquired if she was aware of the lien when the property. Ms. Boncek stated she is actually representing the new buyer, and she does not believe they knew about it. She advised they already had an agreement, the title search was done, and the lien came up, so it has stopped the process.

Ms. Sobrino pointed out in the request for the fine reduction, the people who purchased the property indicated they presumed Barefoot Bay had handled any lien or violations, since documents reflected their Code Enforcement Lien, that was paid from surplus funds; and added they knew a lien existed, but thought it was taken care of by Barefoot Bay.

Commissioner Fisher inquired if they have closed on the property already. Ms. Sobrino stated they purchased the property and now would like to sell it. Commissioner Fisher stated they purchased the property with a lien on it, and they own it today, and now they are trying to sell it for whatever price, and they are hoping the Board will forgive that \$14,000 lien, so their profit is bigger. Ms. Boncek advised the profit would be very small. Commissioner Fisher stated they are from South Florida. Ms. Boncek stated the company is. Commissioner Fisher stated the company bought it and is now flipping it. Ms. Boncek stated the profit is not very much; she has worked in Barefoot Bay for 30 years; she has watched this property; her secretary from church used to live behind it; the lady who owned the property had dementia; and she had asked if she could send someone out to clean up the property after the storms. She added she was afraid to let people in; the property looks nice; the new buyer will make it nicer; and she believes it would be the right thing to do to reduce it. Commissioner Fisher stated he wanted to make sure he understood the transaction that was happening; the company bought the property, now wants to sell the property, because they want to flip the property, and in their calculations they thought they bought the property with the lien on it. He understands she is just representing the new buyer, but he would like her to understand. She advised she represents the buyer, not the seller; the seller's agent is at the hospital with her husband and she is here on behalf of the buyer, so she does not have all of the details.

Commissioner Anderson stated everything is in compliance; and inquired what the original amount owed is. Ms. Sobrino stated the total actual costs are \$1,812. Commissioner Anderson noted that \$550 of that has been paid. He added the Board has stated for the past few years that the whole thing was to get properties under compliance; if they did not come into compliance, staff was to use the punitive liens against the property; and as long as the Board's

stated the challenge with this one is that the property was in compliance before it was purchased; a lot of times when this is done it is a home that is in disarray; and then somebody comes along and agrees to buy the property and clean it up, but cannot afford to do all of that and pay the fine, so the Board lowers it. He stated in this case, there is someone from South Florida that came in, bought it on a Tax Deed Sale, and now are in the process to sell and are hoping the County will just write-off the debt owed. He stated he does not want the reputation of just waiving these liens as if they do not have any value.

Commissioner Nelson stated Commissioner Anderson is correct to the extent that the Board tries to award the people who do the right thing and try to clean up the property, but this case does not fit that perimeter.

The Board denied the request for the reduction of fine and Code Enforcement Lien for Inspirational Properties, LLC and Bay Living, Inc., for the violation at 537 Longan Drive, Barefoot Bay.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Robin Fisher, Commissioner District 1
SECONDER:	Trudie Infantini, Commissioner District 3
AYES:	Robin Fisher, Chuck Nelson, Trudie Infantini, Mary Bolin Lewis
NAYS:	Andy Anderson

Meeting Date
January 28, 2014



AGENDA	
Section	NEW BUSINESS
Item No.	

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	BOARD CONSIDERATION RE: REQUEST FOR REDUCTION OF FINE AND RELEASE OF CODE ENFORCEMENT LIEN FOR INSPIRATIONAL PROPERTIES LLC & BAY LIVING INC., BAREFOOT BAY (DISTRICT 3) FY14 FISCAL IMPACT - \$14,665 FINE/\$13,403 REDUCTION/\$1,262.00 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 537 Longan Dr., Barefoot Bay, Case 11CE-01080 (06-4973), from \$14,665 to \$1,262 and direct staff to prepare and execute a release and satisfaction of lien upon receipt of payment.

Summary Explanation & Background:

On December 19, 2013, the Code Enforcement Special Magistrate, upon petition of new owners, Inspirational Properties, LLC and Bay Living, Inc., represented by Edward Graham Thornburg, Sr., reviewed the basis for reduction of the fine, heard testimony from said owners' representative and the County, and reviewed the Minutes and other documents from the original hearing.

This cause initially came on for public hearing before the Code Enforcement Special Magistrate on 2/01/07 after due notice to Eleanor A. Greene Trustee, previous owner. The violation was for: failure to maintain: Sections 101.6 and 301, Standard Housing Code. The Special Magistrate heard testimony under oath, received evidence, and issued his 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 the violation and the fine was accruing at a rate of \$25 per day from 3/06/07 to compliance date of 1/08/09. The fine accrued to the maximum 35% of the assessed value of the property (\$14,665). This case was brought back to the Special Magistrate on 4/16/09 because the Respondent did not timely comply with the Special Magistrate's Order and the fine was imposed as a lien. 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, Eleanor A. Greene Trustee, and recorded in the official records of Brevard County, Book 5932 Page 1692.

The current owners purchased the property at a tax deed sale on July 26, 2013 for \$12,000. Testimony and evidence presented by the owners' representative Edward Graham Thornburg, Sr. was that they purchased the property at a tax deed sale for the purpose of resale. He alleges a hardship in that the property is not worth the cost of the lien given the anticipated selling price of the property.

Staff notes that the violation on the property had been complied in January, 2009, prior to the purchase by these owners. Therefore, they did not play a role in bringing the property into compliance.

Findings: After hearing testimony from all parties involved, the Special Magistrate recommended a reduction of the fine from \$14,665 to \$1,262. Total actual costs are \$1,812 of which the enforcement costs of \$550 have been paid.

Clerk to the Board instruction: 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"/>
County Manager	Deputy County Manager	Stockton Whitten		Department Director / Extension		Teresa Camarata, Director, Central Services Office		
Howard Tipton	Assistant County Manager	Mel Scott		Robin M. Sobrino, AICP		Director, Planning & Development Dept.		



Dana Blickley, CFA

Brevard County Property Appraiser



Enter your title or notes here

Identification Data	
OWNERS:	Inspirational Properties Llc; Bay Living Inc
SITE ADDRESS:	537 Longan Dr Barefoot Bay 32976
MAIL ADDRESS:	1080 Highway 98 E Unit 113 Destin FL 32541
PARCEL ID:	30-38-15-01-29-6
TAX ID:	3007704
PROPERTY USE:	0213 - M-Manufactured Housing - Double Wide
EXEMPTION:	MILLAGE CODE: 3400 - Unincorp District 3

Value Data			
VALUE CATEGORY	2015	2014	2013
MARKET VALUE:	\$46,190	\$39,610	\$34,050
AGRICULTURAL VALUE:	\$0	\$0	\$0
ASSESSED NON-SCHOOL:	\$43,570	\$39,610	\$34,050
ASSESSED SCHOOL:	\$46,190	\$39,610	\$34,050
HOMESTEAD EXEMPTION:	\$0	\$0	\$0
ADDITIONAL HOMESTEAD:	\$0	\$0	\$0
OTHER EXEMPTION:	\$0	\$0	\$0
TAXABLE NON-SCHOOL:	\$43,570	\$39,610	\$34,050
TAXABLE SCHOOL:	\$46,190	\$39,610	\$34,050

Sale Data			
SALE TYPE:	Improved	SALE DATE:	07/26/2013
DEED:	XD - Tax Deed	SALE PRICE:	\$12,000
ORBP:	6934/0774		
SALE TYPE:	Improved	SALE DATE:	12/01/1994
DEED:	QC - Quit Claim	SALE PRICE:	\$100
ORBP:	3441/1312		
SALE TYPE:	Vacant	SALE DATE:	03/30/1990
DEED:	WD - Warranty Deed/Special Warranty Deed	SALE PRICE:	\$49,100
ORBP:	3048/0884		
SALE TYPE:	Vacant	SALE DATE:	06/01/1987
DEED:	WD - Warranty Deed/Special Warranty Deed	SALE PRICE:	\$8,000
ORBP:	2812/0266		
SALE TYPE:	Vacant	SALE DATE:	01/01/1981
DEED:		SALE PRICE:	\$5,200
ORBP:	2278/0761		
SALE TYPE:	Vacant	SALE DATE:	11/15/1970
DEED:	PT - Part Multiple Parcels Included In Deed	SALE PRICE:	\$0
ORBP:	1152/0219		

Building Data				
PROPERTY DATA CARD # 1				
BUILDING TYPE:	Manufactured Structure		YEAR BUILT:	1987
BUILDING USE:	0213 - Manufactured Housing - Double Wide			
BUILDING SUB-AREAS		BUILDING EXTRA FEATURES		
DESCRIPTION	SQUARE-FEET	DESCRIPTION	UNITS	
Base Area Floor 1	1,152	Skirting: Simulated Stone/Brick	144	
Carport	198			
Utility Room	88			
Screen Porch	242			

Land Data	
TOTAL ACRES:	0.09
SITE CODE:	0001 - No Other Code Appl.
ABBREVIATED DESCRIPTION	
PLAT BOOK/PAGE:	0022/0100
SUBDIVISION:	Barefoot Bay Unit 1
DESCRIPTION:	Lot 6 Blk 29