



AGENDA REPORT
July 9, 2019

**Citizen Request, Request for Reduction of Fine and Release of Liens, David
Disston**

SUBJECT:

Requests: 09CE-00304; 11CE01081; 1CE-02011, and 16CE-00509

DEPT/OFFICE:

County Manager

REQUESTED ACTION:

It is requested the Board of County Commissioners reduce fines and Release Liens for New Owner , Phil Welsh.

SUMMARY EXPLANATION and BACKGROUND:

This is a request for the Board to consider the Special Magistrate's reduction of accrued fines and release the lien upon a payment in full for Code Enforcement Cases: 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-005 at 125 Berkeley Street, Satellite Beach Florida. Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property were paid in full including: 11CE-1354 (840.00), 09C-02315 (2,000.00), and 17CE-01963 (350.00). At the hearing the Special Magistrate stated that there were "exceptional circumstances" related to this property. These circumstances warrant further reduction by the Board.

CLERK TO THE BOARD INSTRUCTIONS:

Attachments Request for Reductions, Findings & Recommendation, and Orders for: 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-005, 11CE-01081

ATTACHMENTS:

Description

- **Staff Report**
- **09CE-00304 Order on Request for Reduction of Fine**
- **09CE-00304-09-0087 Request for Reduction Executed**
- **11CE-01081 06-3409 Request for Reduction Executed**
- **11CE-01081 Findings & Recommendation**
- **15CE-02011 Order on Request for Reduction of Fine**
- **15CE-002011 Request for Reduction Executed**
- **16CE-00509 Order on Request for Reduction of Fine**
- **16CE-00509 Request for Reduction Executed**
- **Original submitted agenda**



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

July 10, 2019

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

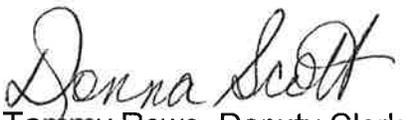
RE: Item J.2., Citizen Request by David Disston for Reduction of Fines and Release of Lien for Code Enforcement Case Nos. 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-00509 – Phil Welsh at 325 Berkeley Street, Satellite Beach

The Board of County Commissioners, in regular session on July 9, 2019, approved the citizen request by David Disston to reduce the fines and to release the lien for the new owner, Phil Welsh at 325 Berkeley Street, Satellite Beach, to the actual staff cost of \$6,877 for Code Enforcement Case Nos. 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-00509.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

for. 
Tammy Rowe, Deputy Clerk

/ds

cc: Code Enforcement

Donna Scott

From: Calkins, Tad <tad.calkins@brevardfl.gov>
Sent: Thursday, July 11, 2019 12:44 PM
To: Donna Scott
Cc: Lock, Brian; Esseesse, Alexander
Subject: RE: Need the staff cost amount for fine reduction Item J.2.

Hey Donna,

It is my understanding that the Board's motion was to reduce the fines & the lien associated with the 4 cases down to the unpaid balance of actual cost. The unpaid balance is \$6,877.

Please let me know if I can be of further assistance.

Tad

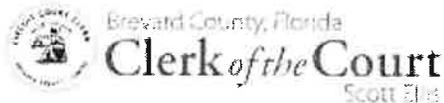
From: Donna Scott <donna.scott@brevardclerk.us>
Sent: Thursday, July 11, 2019 10:38 AM
To: Calkins, Tad <tad.calkins@brevardfl.gov>
Subject: Need the staff cost amount for fine reduction Item J.2.
Importance: High

Hi Tad,

Please provide me with staffs cost for the fine amount due for 325 Berkeley Street, Satellite Beach.

Thank you.

Donna Scott
Assistant Clerk to the Board
(321) 637-2001 / Ext. 49120



Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record



BOARD OF COUNTY COMMISSIONERS

Planning & Development Department
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way
Building A, Room 114
Viera, Florida 32940

Staff Report

SUBJECT: Citizen Request for Reduction of Fine and Release of Code Enforcement Liens for Phil Welsh, 325 Berkeley St, Satellite Beach, FL 32937 (09CE-00304, 11CE-01081, 15CE-02011 and 16CE-00509) (District 4)

DATE: June 24, 2019

AUTHORS: Planning and Development Department

In response to Mr. Welsh's citizen request, staff has reviewed documentation for the seven case files related to this property. These include 09CE-00304 (previously recorded as 09-0087), 11CE-01081(06-3409), 15CE-02011 and 16CE-00509 referenced in the citizen request. The attached code enforcement summary table also includes three historical cases, 11CE-01354(04-2868), 09CE-02315 (07-2924) and 17CE-01963, to provide a full code enforcement perspective for this property (Attachment A).

Background:

The original owner/violator for this property is Mr. Larry Long, now deceased. Code enforcement history predates 2004 and includes at least seven constituent complaints and violations of code including unsafe structure, seawall maintenance, junk vehicles, and overgrowth. There were multiple repeat violations; most older cases complied by 2009. All orders and liens were recorded in the official records. Mr. Long paid some hearing fees and partial payments toward previously reduced fines.

Code Enforcement staff responded to a request of case status from Kayla Jarek of the Fonzi Title Company for the above referenced property on April 3, 2017. The status of all cases was provided to Ms. Jarek (Attachment B).

On August 25, 2017, prior to Mr. Welsh's purchase of the property, Code Enforcement hearing staff responded to a case status request from Phillip Welsh. Again, the status of all cases was provided, as well as information regarding both the payoff if the foreclosure were to result in a certificate of title issuance and a total amount due as of that day.

Attorney David Disston represented the estate of Mr. Long and his heirs. The heirs executed a deed to Shane Smith, an associate with Mr. Disston's law office, on July 28, 2017 for \$76,000 and recorded on September 15, 2017. The warranty deed provided disclosed the existing code liens as Exhibit A (Attachment C).

On September 21, 2017, Mr. Smith executed a deed to Phillip Welsh for \$125,000 and recorded September 21, 2017. The warranty deed provided disclosed the existing code liens as Exhibit A (Attachment C). Both deeds were prepared by Irene Fonzi, P.A.

The violations complied on September 11, 2018. On October 10, 2018, information was provided to Mr. Disston, at his request, regarding the reduction and recommendation process. The two remaining hearing fees (\$550 each) were received on October 10, 2018, and requests for reductions were initiated by Mr. Disston on behalf of his client, new owner, Phillip Welsh.

This is an investment property as stated by Mr. Disston in the applications for reductions. Brevard County provided responses to inquiries prior to all purchasers transferring property which detailed all violations, liens, fines, and enforcement costs. Further, all orders and liens were recorded in the official records.

Fines, Reductions & Payment History:

Pursuant to Sections 2-172 and 2-176 of the Brevard County Code, the Special Magistrate has the ability to reduce fines and costs prior to lien imposition. Therefore, the Board of County Commissioners may consider reduction requests associated with a recorded lien; which are the fines associated with case 11CE-01081. The Special Magistrate has recommended that the Board reduce the fines from \$5,600 to \$4,293.

On May 16, 2019, the Special Magistrate ruled on reductions for the non-imposed liens on this property, pursuant to Sec. 2-176 (b)(3). For these three cases under the Special Magistrate's jurisdiction (09CE-00304, 15CE-02011, and 16CE-00509), a \$39,480 reduction was granted from \$50,475 to \$10,995.

The total amount paid to date by the new owners for the seven cases is \$4,190.

Similar previous case:

Code enforcement case 16CE-00058 (661 Altura Drive, Cocoa) had similar types of violations associated with the property. The new owner/investor petitioned the Board to reduce the fines without first obtaining the Special Magistrate's recommendation and the Board remanded the owner back to the special magistrate who made a recommendation to the Board. The property had been purchased by an investor who had full knowledge of the fines associated. The fines had accrued to \$15,225.00 and the Special Magistrate recommended that the BOCC reduce the fines to \$4,824.00. The BOCC agreed at the December 18, 2018 meeting.

Attachments:

Attachment A: Spreadsheet summarizing all code enforcement activity

Attachment B: Emails in response to inquiries

Attachment C: Deeds transferring ownership with lien exhibit

ATT A: CODE ENFORCMENT SUMMARY FOR 325 BERKELEY ST. SATELLITE BEACH; TAX ID 2608636 AS OF 6/24/19

Status	Jurisdiction	Case #	Original Fine	Special Magistrate Recommendation to BOCC	Special Magistrate Reduction Ruling	Amount Paid By New Owners as of 6/24/19	Amount Due
Pending BOCC Action	BOCC	11CE-01081	\$ 5,600	\$ 4,293	N/A - BOCC Jurisdiction	\$ -	TBD
SM Ruled 5/16/19	Special Magistrate	09CE-00304	\$ 8,500	N/A-Special Mag. Jurisdiction	\$ 2,488	\$ -	\$ 2,488
SM Ruled 5/16/19	Special Magistrate	15CE-02011	\$ 23,200	N/A-Special Mag. Jurisdiction	\$ 4,640	\$ 550	\$ 4,640
SM Ruled 5/16/19	Special Magistrate	16CE-00509	\$ 18,775	N/A-Special Mag. Jurisdiction	\$ 3,867	\$ 550	\$ 3,867
Closed	NA	17CE-01963	N/A	N/A	NA	\$ 350	\$ -
Closed	NA	11CE-01354	\$ 3,250	N/A	\$ 1,100	\$ 840	\$ -
Closed	NA	09CE-02315	\$ 2,000	N/A	\$ -	\$ 1,900	\$ -
		TOTAL	\$ 55,725	\$ 4,293	\$ 12,095	\$ 4,190	\$ 10,995+11CE-01081 BOCC amt

ATT B: CODE ENFORCEMENT STAFF RESPONSES TO CASE STATUS INQUIRIES

From: Damm-Martling, Angela R
To: "mbyars@fonzilaw.com"
Cc: Esseesse, Alexander; Lock, Brian; Berrios, Cristina; Yuan, Diana; Engel, Mark
Subject: Multiple Cases RE: Open Code Violations - 325 Berkeley St., Satellite Beach, FL 32937
Date: Monday, April 03, 2017 9:53:00 AM

Pursuant to your request, the payoff for the property as of today are as follows:

Property Address: 325 BERKELEY ST SATELLITE BEACH FL 32937 (Tax Account 2608636)

LARRY LONG, 325 Berkeley St, Satellite Beach, FL (2608636) as of 4/3/2017						
			Costs	Fines	Daily fine accruing?	Active Violations?
Status	Application No	Application Name				
Notice	16CE-01992	ME - 4 - C	\$ -	\$ -	No	Yes
Order	16CE-00509	ME - 4 - C	\$ 550.00	\$ 5,625.00	\$25.00	Yes
Fine	15CE-02011	ME - 4 - C	\$ 550.00	\$ 10,050.00	\$25.00	Yes
Lien	11CE-01354	Comply 04-2868 MH	\$ -	\$ 840.00		No
Lien	11CE-01081	Comply 06-3409 GW	\$ -	\$ 5,600.00		No
Lien	09CE-02315	Comply 07-2924 GW-CE	\$ -	\$ 1,900.00		No
Fines	09CE-00304	Comply 09-0087 MH-CE	\$ -	\$ 8,450.00		No
			\$ 1,100.00	\$ 32,465.00	Total as of 4/3/17:	\$ 33,565.00

The Special Magistrate heard these matters and Order/Liens were recorded in the public record. Enforcement costs are due and fines will continue at the rate per day until compliance as reflected below per each case.

Acknowledgment and/or Satisfaction Release of Liens will not be recorded until full compliance with the Order is achieved and the fines costs are paid. Contact Code Enforcement Officer Mark Engel at (321) 633-2086, ext. 52097 for an inspection or to discuss compliance.

Make checks payable to Brevard County Board of County Commissioners, note case numbers below and mail payoff to: Brevard County Code Enforcement, ATTN: Angela, 2725 Judge Fran Jamieson Way, Building A, #114, Viera, FL 32940.

This information is based upon the data available from within the complaint tracking system located in and managed by Code Enforcement and does not preclude another division of Brevard County, or another governmental agency from having an interest in this property.

Feel free to contact me if you have any questions regarding these cases.

Angela Damm-Martling
 Special Projects Coordinator
 Code Enforcement Division
 Planning and Development Department
 Brevard County Board of County Commissioners
 2725 Judge Fran Jamieson Way, Building A 114
 Viera, FL 32940
 (321) 633-2086, Extension 52885
 (321) 633-2167, facsimile

ATT B: CODE ENFORCEMENT STAFF RESPONSES TO CASE STATUS INQUIRIES

From: mbyars@fonzilaw.com <mbyars@fonzilaw.com>

Sent: Friday, March 24, 2017 12:04 PM

To: Enforcement, Code

Subject: Open Code Violations - 325 Berkeley St., Satellite Beach, FL 32937

To Whom it May Concern:

Our title company will be preparing a closing on a property addressed at 325 Berkeley St., Satellite Beach, FL, 32937, but there are still open code violations that have not been resolved as of yet. The name it was filed under was Larry C. Long, whom is now deceased, and still shows that there are multiple unresolved complaints against this property. With that being said, our office needs to know the exact amount of money in order to be able to lift these liens before we can go any further. We anticipate to close on this property within the next 3 months and would greatly appreciate it if this can be taken care of ASAP. If you need any further information about these code violations or complaints, please contact our office.

Thank you in advance for your response.

Best,
Kayla Jarek
Fonzi Title Company
1402 Highway A1A, Suite A
Satellite Beach, FL 32937
Phone: (321) 777-1191
Fax: (321) 574-4226

ATT B: CODE ENFORCEMENT STAFF RESPONSES TO CASE STATUS INQUIRIES

From: Damm-Martling, Angela R
To: "pwelsh130@gmail.com"
Cc: Essee, Alexander; Yuan, Diana; Lock, Brian; Engel, Mark
Subject: 325 BERKELEY ST SATELLITE BEACH FL 32937(Tax Account 2608636)-Multiple cases
Date: Friday, August 25, 2017 2:33:00 PM

Pursuant to your request, the status of the property 325 BERKELEY ST SATELLITE BEACH FL 32937(Tax Account 2608636) as of today are as follows:

Property Address: 325 BERKELEY ST SATELLITE BEACH FL 32937 (Tax Account 2608636)

Partial Release Fees: **\$250.00 each; total \$1,500.00**** or **\$40,765.00****

Brevard County's Findings of Facts, Conclusions of Laws and Orders & Liens for Costs, and Imposition orders may attach to any real and personal property owned by the Respondent of the Code Enforcement Special Magistrate case. Therefore, even though a foreclosure has occurred on the property you are inquiring, the attachment by name may apply. The Board of County Commissioners of Brevard County has authorized the Code Enforcement Manager to execute and our office to prepare and file partial releases regarding the above foreclosed property after a Certificate of Title is issued. To prepare and record the partial releases (6) for the above property only, the administrative preparation fees will be **\$1,500.00**. Any fine/enforcement costs remain for the previous owner. **New owners may be cited if continued non-compliance.** **NOTE:** Applies if the foreclosure is not dismissed and a Certificate of Title is issued.*

Otherwise, the Special Magistrate heard these matters and Order/Liens were recorded in the public record. Enforcement costs are due and fines will continue at the rate per day until compliance as reflected below per each case.** Acknowledgment and/or Satisfaction Release of Liens will not be recorded until full compliance with the Order is achieved and the fines costs are paid. Contact Code Enforcement Officer Mark Engel at (321) 633-2086, ext. 52097 for an inspection or to discuss compliance.

LARRY LONG, 325 Berkeley St, Satellite Beach, FL (2608636) as of 8/25/2017						
			Costs	Fines	Daily fine accruing?	Active Violations?
Status	Application No	Application Name				
Notice	16CE-01992	ME - 4 - C	\$ -	\$ -	No	Yes
Order	16CE-00509	ME - 4 - C	\$ 550.00	\$ 9,225.00	\$25.00	Yes
Fine	15CE-02011	ME - 4 - C	\$ 550.00	\$13,650.00	\$25.00	Yes
Lien	11CE-01354	Comply 04-2868 MH	\$ -	\$ 840.00		No
Lien	11CE-01081	Comply 06-3409 GW	\$ -	\$ 5,600.00		No
Lien	09CE-02315	Comply 07-2924 GW-CE	\$ -	\$ 1,900.00		No
Fines	09CE-00304	Comply 09-0087 MH-CE	\$ -	\$ 8,450.00		No
			\$ 1,100.00	\$39,665.00	Total as of 8/25/17:	\$ 40,765.00

Make checks payable to Brevard County Board of County Commissioners, **note each case number and amount below** and mail payoff to: Brevard County Code Enforcement, ATTN: Angela, 2725 Judge Fran Jamieson Way, Building A, #114, Viera, FL 32940.

This information is based upon the data available from within the complaint tracking system located in and managed by Code Enforcement and does not preclude another division of Brevard County, or another governmental agency from having an interest in this property.

ATT B: CODE ENFORCEMENT STAFF RESPONSES TO CASE STATUS INQUIRIES

We ask you continue to allow at least 10 working days for a response and submit all request forms to code.enf@brevardcounty.us and not this e-mail. Thank you.

Feel free to contact me if you have any questions regarding these cases.

Angela Damm-Martling
Special Projects Coordinator
Code Enforcement Division
Planning and Development Department
Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way, Building A 114
Viera, FL 32940
(321) 633-2086, Extension 52885
(321) 633-2167, facsimile

ATT C: WARRANTY DEEDS

Prepared by and return to:
Irene Fonzi, P.A.
1402 Highway A1A, Suite A
Satellite Beach, FL 32937
321-777-1191
File Number: 17-02-48 BER

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this _____ day of July, 2017 between **Terry M. Long, a single woman**, whose post office address is 120 Atlas Lane, Satellite Beach, FL 32937, **Robert C. Long, a single man**, whose post office address is 1030 Park Drive, Apt #4, Indian Harbor Beach, FL 32937, **Scott A. Long, a married man**, whose post office address is 201 Harbor City Blvd, F426, Indian Harbor Beach, FL 32937, and **Alexander J. Long, a single man**, whose post office address is N. 3506 County Road, Helenville, Wisconsin 53137, collectively the grantor, and **Shane M. Smith, a single man**, whose post office address is 685 Kenwood Court, Satellite Beach, FL 32937, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida to wit:

Lot 3, Block 15, Revised Plat of Blocks 9 & 15 of Sea Park Homes Third Addition, according to the map or plat thereof as recorded in Plat Book 12, Page 17, Public Records of Brevard County, Florida.

Parcel Identification Numbers: 26-37-26-29-00015.0-0003.00

(This property is not the homestead of Terry M. Long, Robert C. Long, Scott A. Long or his spouse, or Alexander J. Long. They reside at their respective addresses as shown above.)

Subject to: (A) all land use, zoning and other use restrictions, prohibitions and requirements imposed by governmental authority (B) restrictions and matters appearing on the plat or otherwise common to the subdivision (C) outstanding oil, gas and mineral rights of record and (D) unplatted public utility easements (E) all liens of record shown on the attached Exhibit A.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

ATT C: WARRANTY DEEDS

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Gene Long
Witness Name: *Dene Foner*

Terry M Long
Terry M. Long

Melanie P. Byars
Witness Name: *Melanie P. Byars*

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 19th day of July, 2017 by Terry M. Long, who is personally known or has produced FL Drivers License as identification



Melanie P. Byars
Notary Public

Printed Name: _____

My Commission Expires: _____

ATT C: WARRANTY DEEDS

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Zan Hirsche

[Signature]
Robert C. Long

[Signature]
Witness Name: Melanie Byars

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 28 day of July, 2017 by Robert C. Long, who is personally known or has produced FL Identification Card as identification

[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____



ATT C: WARRANTY DEEDS

Signed, sealed and delivered in our presence:

Melanie McAbery
Witness Name: Melanie McAbery

Scott A. Long
Scott A. Long

Melanie P. Byars
Witness Name: Melanie P. Byars

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 20th day of July, 2017 by Scott A. Long, who is personally known or has produced FL Drivers License as identification



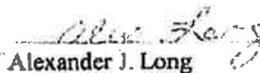
Melanie P. Byars
Notary Public

Printed Name: _____

My Commission Expires: _____

ATT C: WARRANTY DEEDS

Signed, sealed and delivered in our presence:


 Witness Name: Steven A. Long Alexander J. Long 

 Witness Name: Ashley

State of Wisconsin
County of Walworth

The foregoing instrument was acknowledged before me this 27 day of July, 2017 by Alexander J. Long who is personally known or has produced Wisconsin license as identification




 Notary Public
 Printed Name: Jan M. Foote
 My Commission Expires: Feb 22, 2020

ATT C: WARRANTY DEEDS

EXHIBIT A

- 1) Findings of Fact, Conclusions of Law and Order recorded in O.R. Book 5231, Page 2048 and O.R. Book 5385, Page 8018, as affected by Order Acknowledging Compliance recorded in O.R. Book 5314, Page 3146, Public Records of Brevard County, Florida.
- 2) Findings of Fact, Conclusions of Law and Order & Lien for Cost(s) recorded in O.R. Book 5716, Page 1707; O.R. Book 5830, Page 998; O.R. Book 5919, Page 6997; O.R. Book 7533, Page 2243 and O.R. Book 7668, Page 1003, Public Records of Brevard County, Florida.
- 3) Order Imposing Administrative Fine/Lien Violation Complied recorded in O.R. Book 5721, Page 799, Public Records of Brevard County, Florida.
- 4) Order Imposing Administrative Fine as Lien recorded in O.R. Book 5919, Page 7009 and O.R. Book 5919, Page 7010, Public Records of Brevard County, Florida.
- 5) Order Imposing Fine as Lien recorded in O.R. Book 6243, Page 1084, Public Records of Brevard County, Florida

ATT C: WARRANTY DEEDS

Prepared by and return to:

Irene Fonzi, P.A.
1402 Highway A1A, Suite A
Satellite Beach, FL 32937
321-777-1191
File Number: 17-09-71 BER

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 21st day of September, 2017 between **Shane M. Smith, a single man**, whose post office address is 685 Kenwood Court, Satellite Beach, FL 32937, grantor, and **Phillip Welsh, a married man**, whose post office address is 580 Newport Drive, Indialantic, FL 32903, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Brevard County, Florida to wit:

Lot 3, Block 15, Revised Plat of Blocks 9 & 15 of Sea Park Homes Third Addition, according to the map or plat thereof as recorded in Plat Book 12, Page 17, Public Records of Brevard County, Florida.

Parcel Identification Numbers: 26-37-26-29-00015.0-0003.00

Subject to: (A) all land use, zoning and other use restrictions, prohibitions and requirements imposed by governmental authority (B) restrictions and matters appearing on the plat or otherwise common to the subdivision (C) outstanding oil, gas and mineral rights of record (D) unplatted public utility easements and (E) all liens of record shown on the attached Exhibit A.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

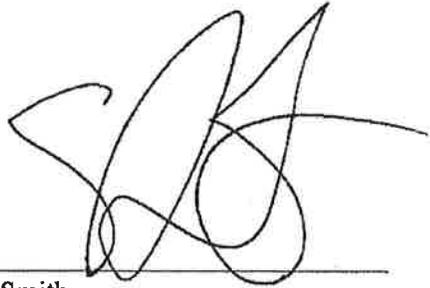
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

ATT C: WARRANTY DEEDS

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



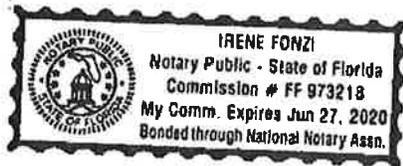
Shane M. Smith

Irene Fonzi
Witness Name: Irene Fonzi

Melanie P. Byars
Witness Name: Melanie P. Byars

State of Florida
County of Brevard

The foregoing instrument was acknowledged before me this 21st day of September, 2017 by Shane M. Smith, who is personally known or has produced _____ as identification



Irene Fonzi
Notary Public

Printed Name: _____

My Commission Expires: _____

EXHIBIT A

- 1) Findings of Fact, Conclusions of Law and Order recorded in O.R. Book 5231, Page 2048 and O.R. Book 5385, Page 8018, as affected by Order Acknowledging Compliance recorded in O.R. Book 5314, Page 3146, Public Records of Brevard County, Florida.
- 2) Findings of Fact, Conclusions of Law and Order & Lien for Cost(s) recorded in O.R. Book 5716, Page 1707; O.R. Book 5830, Page 998; O.R. Book 5919, Page 6997; O.R. Book 7533, Page 2243 and O.R. Book 7668, Page 1003, Public Records of Brevard County, Florida.
- 3) Order Imposing Administrative Fine/Lien Violation Complied recorded in O.R. Book 5721, Page 799, Public Records of Brevard County, Florida.
- 4) Order Imposing Administrative Fine as Lien recorded in O.R. Book 5919, Page 7009 and O.R. Book 5919, Page 7010, Public Records of Brevard County, Florida.
- 5) Order Imposing Fine as Lien recorded in O.R. Book 6243, Page 1084, Public Records of Brevard County, Florida

CODE ENFORCEMENT SPECIAL MAGISTRATE OF
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA,
Petitioner,

CASE NO: 09CE-00304 (09-0087)

vs.

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937

LARRY & PAMALA LONG,
Respondent(s).

ORDER ON REQUEST FOR REDUCTION OF FINE

THIS MATTER came for consideration by the Code Enforcement Special Magistrate of Brevard County, Florida, on 5/16/2019, on the Request of PHILLIP WELSH, New Owner, through previous owner and attorney Shane Smith, to address the fines accrued in the above-styled case. The Code Enforcement Special Magistrate being otherwise fully advised, it is thereupon,

ORDERED as follows:

1. The Respondent's Request is DENIED. All fines assessed in accordance with the Special Magistrate's Order, dated 3/19/2009, which as of 5/12/2009, accrued to EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$8,500.00), partial payment of \$50 was received, leaving a balance of EIGHT THOUSAND, FOUR HUNDRED FIFTY DOLLARS (\$8,450.00), which remain due and outstanding.
2. _____

OR

1. The accrued fines assessed in accordance with the Special Magistrate's Order, dated 3/19/2009, which as of 5/12/2009, accrued to EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$8,500.00), partial payment of \$50 was received, leaving a balance of EIGHT THOUSAND, FOUR HUNDRED FIFTY DOLLARS (\$8,450.00), are hereby REDUCED to: Two thousand four hundred eighty nine (\$ 2489 .00), contingent upon the following:
 - a. Payment in full of the reduced amount must be received within thirty (30) days.
2. If payment is not timely paid, amount due reverts back to original fine amount and may be imposed.
3. An Acknowledgment and Release of Lien will not be recorded until the fines are paid in full.
4. _____

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

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.

DONE AND ORDERED on May 16, 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA



Stewart Capps

cc: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32924



* 1ICE-01081

BOARD OF COUNTY COMMISSIONERS

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

SHANE SMITH, Previous Owner/Attorney
3845 W. Eau Gallie Blvd., Ste. 104
Melbourne, FL 32934

199 DRCKNMP 32934



Hasler FIRST-CLASS MAIL
05/20/2019
US POSTAGE \$000.45
ZIP 32935
011D12604129

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: 5/16/2019 9:00 a.m., Thursday in Bldg C, 2nd
Floor, Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela
code.enforcement@brevardfl.gov and Mail original to: Brevard County Code
Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP 4/19/19*

Code Enforcement Case No. 09CE-00304(09-0087)

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

REQUEST FOR REDUCTION OF PENALTY

(Consider this document your Notice of Hearing-No other notice will be sent for this request)

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, all 3 pages. **Failure to provide complete information may delay consideration of your request.** Enforcement Costs must be paid prior to scheduling case for hearing. Special Magistrate cannot reduce enforcement cost. 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. **You must be present at the meeting.** If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income); however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext 52885.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154 - Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY Mark Herold ON 5/12/2009

REPEAT VIOLATIONS of Brevard County Code: Sections 94-48, 114-28(b), 94-311- to 94-312. Residential Maintenance, Overgrowth, Junk Vehicles; and INITIAL Section 62-2117(c)(5), Parking/Storage Vans, Trailers

Violation heard on 3/19/2009; Repeat fine ordered to accrued at \$100.00 per day from 2/16/2009 until compliance of 5/12/2009 (85 days in violation). The fine accrued to \$8,500.00. A partial payment of \$50 was received leaving a balance of the fine due of \$8,450.00.

Enforcement costs in the amount of \$350.00 were paid on 12/29/2009.

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

Attorneys David Disston and Shane Smith

REDUCTION FACTOR WORKSHEET

(THIS FORM MUST BE COMPLETED AS PART OF THE APPLICATION)

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 Did Not Yet own the Property.
- 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 X
- 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 \$8,450.00

Recommend Reduction to \$ 150.00 (enter amount you agree to pay)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.



CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 5/16/2019 9:00 a.m., Bldg C,
2nd Floor Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL
32940
FAX or Email completed form to: 321-633-2167 code.enforcement@brevardfl.gov
Mail original to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson
Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP- 4/19/19

Case No. 11CE-01081(06-3409)

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

**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.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154-Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY George Wolfe ON 12/7/2006

**REPEAT VIOLATION of Sections 94-48 and 114-28(b), Brevard County Code: Residential Maintenance and
INITIAL VIOLATION of Sections 94-311 to 94-314: Junk/Abandoned Vehicles**

Violation heard on 11/2/2006, fine ordered to accrue at \$100.00 per day from 10/12/2006 until compliance on 12/7/2006; the fine accrued to \$5,600.00 (56 days in violation). Request for Reduction heard at Time of Imposition on 7/24/2008. Reduction granted to \$4,480.00, contingent upon payment with 30 days or payment plan or further imposed. No payments received. Fine imposed as lien by Special Magistrate on 3/19/2009.

Enforcement costs in the amount of \$350.00 were paid on 12/5/2007.

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

Attorneys David Disston and Shane Smith

REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

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 Did Not yet own the Property

- 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 X
- 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 \$5,600.00

Recommend Reduction to \$ 150.00
(Must Enter an Amount)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.



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: **11CE-01081**
Previously recorded as 06-3409

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937
District-4

vs.
LARRY C LONG, Previous Owner,
PHILLIP WELSH, New Owner,
Respondent(s)

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

Upon petition of PHILLIP WELSH, New Owner, the Code Enforcement Special Magistrate, on 5/16/2019, reviewed the basis for reduction of the accrued fine stated in the Request for Reduction of Penalty and Recommendation Application provided by PHILLIP WELSH, through previous owner and attorney Shane Smith, heard testimony from PHILLIP WELSH 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 11/2/2006 after due notice to the Respondent, LARRY C LONG, at which time the Code Enforcement Special Magistrate heard testimony under oath, received evidence, 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 5716, Page 1707.

2. Said order imposed a REPEAT fine of \$100.00 per day beginning 10/12/2006. A re-inspection on 11/28/2006 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 \$5,600.00. A request for reduction was heard by the Special Magistrate on 7/24/2008 and granted to \$4,480, contingent upon payment within 30 days or payment plan. No payment received.

3. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 3/19/2009 that the Respondent did not comply with the Special Magistrate's Order, and an Order Imposing Administrative Fine as Lien was filed against the property and upon any other real or personal property owned by the Respondent LARRY C LONG, and recorded in the official records of Brevard County, Book 5919 at Page 7010.

4. Testimony and evidence was presented by PHILLIP WELSH, stating:

*acquired property from estate of widow
& brought property into compliance*

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 REPEAT: RESIDENTIAL MAINTENANCE AND OVERGROWTH and INITIAL: JUNK VEHICLES

All of above factors support ~~do~~ ~~for~~ do not support a recommendation of reduction of the accrued fine.

III. RECOMMENDATION

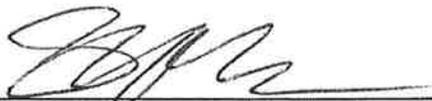
1. Based upon the foregoing factors, the request is **DENIED**.

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 accrued fine in the amount of \$5,600.00 to the reduced sum of \$ 4,293, 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: \$4,131. Enforcement costs in the amount of \$678.00 have been paid. Balance of actual costs: \$3,453.00.

Dated May 16, 2019.


Stewart B. Capps, 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: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32934

Mail payment to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940



* 09CE-00304

BOARD OF COUNTY COMMISSIONERS

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

SHANE SMITH,
3845 W. Eau Gallie Blvd., Ste. 104
Melbourne, FL 32934

1 5 9 0 9 0 3 0 4



Hasler
05/20/2019
FIRST-CLASS MAIL
PRRT
US POSTAGE \$000.459



ZIP 32935
011D12604129

CODE ENFORCEMENT SPECIAL MAGISTRATE OF
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA,
Petitioner,

CASE NO: 15CE-02011

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937

vs.

LARRY LONG,
Respondent(s).

ORDER ON REQUEST FOR REDUCTION OF FINE

THIS MATTER came for consideration by the Code Enforcement Special Magistrate of Brevard County, Florida, on 5/16/2019, on the Request of PHILLIP WELSH, New Owner, through previous owner and attorney Shane Smith, to address the fines accrued in the above-styled case. The Code Enforcement Special Magistrate being otherwise fully advised, it is thereupon,

ORDERED as follows:

1. The Respondent's Request is **DENIED**. All fines assessed in accordance with the Special Magistrate's Order, dated 1/21/2016, which as of 9/11/2018, accrued to TWENTY-THREE THOUSAND, TWO HUNDRED DOLLARS (\$23,200.00) remain due and outstanding.

2.

OR

1. The accrued fines assessed in accordance with the Special Magistrate's Order, dated 1/21/2016, which as of 9/11/2018, accrued to TWENTY-THREE THOUSAND, TWO HUNDRED DOLLARS (\$23,200.00) are hereby **REDUCED** to: four thousand six hundred and 90 (\$ 4690.00), contingent upon the following: forty days
 - a. Payment in full of the reduced amount must be received within thirty 30 days.
2. If payment is not timely paid, amount due reverts back to original fine amount and may be imposed.
3. An Acknowledgment and Release of Lien will not be recorded until the fines are paid in full.

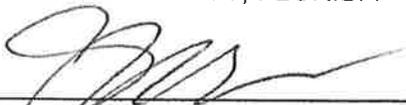
4.

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

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.

DONE AND ORDERED on May 16, 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart Capps

cc: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32934



15CE-02011

BOARD OF COUNTY COMMISSIONERS

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

SHANE SMITH
3845 W. Eau Gallie Blvd., Ste. 104
Melbourne, FL 32934

1 9 9 D I R O X N N P 3 2 9 3 4



Hasler
05/20/2019
FIRST-CLASS MAIL
PERMIT
US POSTAGE \$000.45



ZIP 32935
01D12604129

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: 5/16/2019 9:00 a.m., Thursday in Bldg C, 2nd Floor, Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela
code.enforcement@brevardfl.gov and Mail original to: Brevard County Code
Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP 4/19/19*

Code Enforcement Case No. 15CE-02011

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

REQUEST FOR REDUCTION OF PENALTY

(Consider this document your Notice of Hearing-No other notice will be sent for this request)

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, all 3 pages. **Failure to provide complete information may delay consideration of your request.** Enforcement Costs must be paid prior to scheduling case for hearing. Special Magistrate cannot reduce enforcement cost. 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. **You must be present at the meeting.** If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income); however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext 52885.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154 - Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY Stephen Novak ON 9/11/2018

VIOLATION of Sections 94-119 and 94-211 to 94-312, Brevard County Code: Residential Maintenance and Junk/Abandoned Vehicles

Violation heard on 1/21/2016; fine ordered to accrued at \$25.00 per day from 2/26/2016 until compliance of 9/11/2018 (928 days in violation). The fine accrued to \$23,200.00

Enforcement costs in the amount of \$550.00 were paid on 10/10/2018.

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

Attorneys David Disston and Shane Smith

MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

See Attached Exhibit "A"

Date: 4/15/19

Signed: *David Disston*

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. (He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 4/15/19 Notary Public: *Kathleen A. Nilan* (seal)



KATHLEEN A. NILAN
Commission # GG 194514
Expires March 15, 2022
Bonded Thru Budget Notary Services

REDUCTION FACTOR WORKSHEET

(THIS FORM MUST BE COMPLETED AS PART OF THE APPLICATION)

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 Did Not yet own the Property
- 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 X
- 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 **\$23,200.00**

Recommend Reduction to \$ 150.00 (enter amount you agree to pay)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

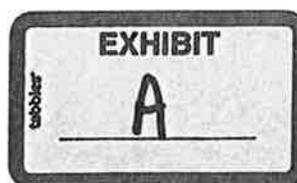
Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.



CODE ENFORCEMENT SPECIAL MAGISTRATE OF
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA,
Petitioner,

CASE NO: 16CE-00509

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937

vs.

LARRY LONG,
Respondent(s).

ORDER ON REQUEST FOR REDUCTION OF FINE

THIS MATTER came for consideration by the Code Enforcement Special Magistrate of Brevard County, Florida, on 5/16/2019, on the Request of PHILLIP WELSH, New Owner, through previous owner and attorney Shane Smith, to address the fines accrued in the above-styled case. The Code Enforcement Special Magistrate being otherwise fully advised, it is thereupon,

ORDERED as follows:

1. The Respondent's Request is **DENIED**. All fines assessed in accordance with the Special Magistrate's Order, dated 7/21/2016, which as of 9/11/2016, accrued to EIGHTEEN THOUSAND, SEVEN HUNDRED, SEVENTY-FIVE DOLLARS (\$18,775.00) remain due and outstanding.

2.

OR

1. The accrued fines assessed in accordance with the Special Magistrate's Order, dated 7/21/2016, which as of 9/11/2016, accrued to EIGHTEEN THOUSAND, SEVEN HUNDRED, SEVENTY-FIVE DOLLARS (\$18,775.00) are hereby **REDUCED** to: three thousand eight hundred (\$ 3,800 .00), contingent upon the following:

a. Payment in full of the reduced amount must be received within thirty (30) days.

2. If payment is not timely paid, amount due reverts back to original fine amount and may be imposed.

3. An Acknowledgment and Release of Lien will not be recorded until the fines are paid in full.

4.

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

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.

DONE AND ORDERED on May 16, 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart Capps

cc: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32934



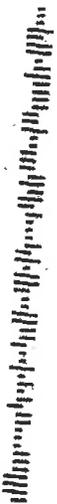
* 16CE-00509

BOARD OF COUNTY COMMISSIONERS

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

DAVID DISSTON
SHANE M SMITH PA
3845 W EAU GALLIE BLVD SUITE 104
MELBOURNE FL 32934

199 DRCKNNP 32934



Hasler
05/20/2019
FIRST CLASS MAIL
PRESRT
US POSTAGE \$000.45



ZIP 32935
011D12604129

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: 5/16/2019 9:00 a.m., Thursday in Bldg C, 2nd
Floor, Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela
code.enforcement@brevardfl.gov and Mail original to: Brevard County Code
Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP 4/19/19*

Code Enforcement Case No. **16CE-00509**

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

REQUEST FOR REDUCTION OF PENALTY

(Consider this document your Notice of Hearing-No other notice will be sent for this request)

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, all 3 pages. **Failure to provide complete information may delay consideration of your request.** Enforcement Costs must be paid prior to scheduling case for hearing. Special Magistrate cannot reduce enforcement cost. 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. **You must be present at the meeting.** If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income); however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext 52885.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154-Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY Stephen Novak ON 9/11/2018

VIOLATION of Section 22-278(m), Brevard County Code: Marine Structure Maintenance

Violation heard on 7/21/2016; fine ordered to accrued at \$25.00 per day from 8/21/2016 until compliance of 9/11/2018 (751 days in violation). The fine accrued to \$18,775.00

Enforcement costs in the amount of \$550.00 were paid on 10/10/2018.

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

Attorneys David Disston and Shane Smith

REDUCTION FACTOR WORKSHEET

(THIS FORM MUST BE COMPLETED AS PART OF THE APPLICATION)

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 Did Not yet own the Property

- 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 \$18,775.00

Recommend Reduction to \$ 150.00 (enter amount you agree to pay)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

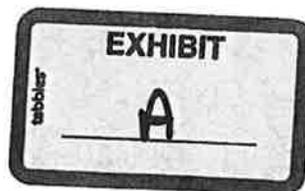
Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.





AGENDA REPORT

Meeting Date

Category:

Title:

Subject:

Fiscal Impact:

Dept/Office:

Requested Action:

Summary Explanation and Background:

Clerk to the Board Instructions:

Attachment Descriptions:

Department Reviewer:

ACM Reviewer:

County Manager Reviewer:

County Attorney Reviewer:



AGENDA REPORT

Meeting Date

Category:	New Business
Title:	REQUEST FOR REDUCTION OF FINE AND RELEASE OF LIENS
Subject:	REQUESTS: 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-00509
Fiscal Impact:	None
Dept/Office:	Public Citizen
Requested Action:	REQUEST FOR REDUCTION OF FINES AND RELEASE OF CODE ENFORCEMENT LIENS FOR NEW OWNER (PHIL WELSH)
Summary Explanation and Background:	<p>This is a request for the Board to consider the Special Magistrate's reduction of accrued fines and release the lien upon a payment in full for Code Enforcement Cases: 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-005 at 125 Berkeley Street, Satellite Beach Florida. Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property were paid in full including: 11CE-1354 (840.00), 09C-02315 (2,000.00), and 17CE-01963 (350.00). At the hearing the Special Magistrate stated that there were "exceptional circumstances" related to this property. These circumstances warrant further reduction by the Board.</p>
Clerk to the Board Instructions:	<input type="text"/>
Attachment Descriptions:	Request for Reductions, Findings & Recommendation, and Orders for: 09CE-00304, 11CE-01081, 15CE-02011, and 16CE-005, 11CE-01081.
Department Reviewer:	<input type="text"/>
ACM Reviewer:	<input type="text"/>
County Manager Reviewer:	<input type="text"/>

CODE ENFORCEMENT SPECIAL MAGISTRATE OF
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA,
Petitioner,

CASE NO: 15CE-02011

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937

vs.

LARRY LONG,
Respondent(s).

ORDER ON REQUEST FOR REDUCTION OF FINE

THIS MATTER came for consideration by the Code Enforcement Special Magistrate of Brevard County, Florida, on 5/16/2019, on the Request of PHILLIP WELSH, New Owner, through previous owner and attorney Shane Smith, to address the fines accrued in the above-styled case. The Code Enforcement Special Magistrate being otherwise fully advised, it is thereupon,

ORDERED as follows:

1. The Respondent's Request is **DENIED**. All fines assessed in accordance with the Special Magistrate's Order, dated 1/21/2016, which as of 9/11/2018, accrued to TWENTY-THREE THOUSAND, TWO HUNDRED DOLLARS (\$23,200.00) remain due and outstanding.
- 2.

OR

1. The accrued fines assessed in accordance with the Special Magistrate's Order, dated 1/21/2016, which as of 9/11/2018, accrued to TWENTY-THREE THOUSAND, TWO HUNDRED DOLLARS (\$23,200.00) are hereby **REDUCED** to: four thousand six hundred 99 (\$ 4690.00), contingent upon the following: forty days
 - a. Payment in full of the reduced amount must be received within thirty 30 days.
2. If payment is not timely paid, amount due reverts back to original fine amount and may be imposed.
3. An Acknowledgment and Release of Lien will not be recorded until the fines are paid in full.
- 4.

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

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.

DONE AND ORDERED on May 16, 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart Capps

cc: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32934



15CE-02011

BOARD OF COUNTY COMMISSIONERS

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

SHANE SMITH
3845 W. Eau Gallie Blvd., Ste. 104
Melbourne, FL 32934

1 9 9 0 P R O X I M A 3 2 9 3 4



Hasler
05/20/2019
FIRST-CLASS MAIL
PPSRT
US POSTAGE \$000.45
ZIP 32935
011012604129

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: 5/16/2019 9:00 a.m., Thursday in Bldg C, 2nd Floor, Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela
code.enforcement@brevardfl.gov and Mail original to: Brevard County Code
Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP 4/19/19*

Code Enforcement Case No. **16CE-00509**

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

REQUEST FOR REDUCTION OF PENALTY

(Consider this document your Notice of Hearing-No other notice will be sent for this request)

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, all 3 pages. **Failure to provide complete information may delay consideration of your request.** Enforcement Costs must be paid prior to scheduling case for hearing. Special Magistrate cannot reduce enforcement cost. 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. **You must be present at the meeting.** If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income); however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext 52885.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154-Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY Stephen Novak ON 9/11/2018

VIOLATION of Section 22-278(m), Brevard County Code: Marine Structure Maintenance

Violation heard on 7/21/2016; fine ordered to accrued at \$25.00 per day from 8/21/2016 until compliance of 9/11/2018 (751 days in violation). The fine accrued to \$18,775.00

Enforcement costs in the amount of \$550.00 were paid on 10/10/2018.

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

Attorneys David Disston and Shane Smith

MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

See Attached Exhibit "A"

Date: 4/15/19

Signed: *David Disston*

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 4/15/19

Notary Public: *Kathleen A. Nilan* (seal)



KATHLEEN A NILAN
Commission # GG 194514
Expires March 15, 2022
Bonded Thru Budget Notary Services

REDUCTION FACTOR WORKSHEET
(THIS FORM MUST BE COMPLETED AS PART OF THE APPLICATION)

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 Did Not yet own the Property

- 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 X
- 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 \$18,775.00

Recommend Reduction to \$ 150.00 (enter amount you agree to pay)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.



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: **11CE-01081**
Previously recorded as 06-3409

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937
District-4

vs.

LARRY C LONG, Previous Owner,
PHILLIP WELSH, New Owner,
Respondent(s)

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

Upon petition of PHILLIP WELSH, New Owner, the Code Enforcement Special Magistrate, on 5/16/2019, reviewed the basis for reduction of the accrued fine stated in the Request for Reduction of Penalty and Recommendation Application provided by PHILLIP WELSH, through previous owner and attorney Shane Smith, heard testimony from PHILLIP WELSH 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 11/2/2006 after due notice to the Respondent, LARRY C LONG, at which time the Code Enforcement Special Magistrate heard testimony under oath, received evidence, 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 5716, Page 1707.

2. Said order imposed a REPEAT fine of \$100.00 per day beginning 10/12/2006. A re-inspection on 11/28/2006 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 \$5,600.00. A request for reduction was heard by the Special Magistrate on 7/24/2008 and granted to \$4,480, contingent upon payment within 30 days or payment plan. No payment received.

3. Accordingly, it was brought to the Code Enforcement Special Magistrate's attention on 3/19/2009 that the Respondent did not comply with the Special Magistrate's Order, and an Order Imposing Administrative Fine as Lien was filed against the property and upon any other real or personal property owned by the Respondent LARRY C LONG, and recorded in the official records of Brevard County, Book 5919 at Page 7010.

4. Testimony and evidence was presented by PHILLIP WELSH, stating:

*acquired property from estate of widow
& brought property into compliance*

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 REPEAT: RESIDENTIAL MAINTENANCE AND OVERGROWTH and INITIAL: JUNK VEHICLES

All of above factors support ~~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 accrued fine in the amount of \$5,600.00 to the reduced sum of \$ 4,293, 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: \$4,131. Enforcement costs in the amount of \$678.00 have been paid. Balance of actual costs: \$3,453.00.

Dated May 16, 2019.


Stewart B. Capps, 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: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32934

Mail payment to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940



09CE-00304

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

SHANE SMITH,
3845 W. Eau Gallie Blvd., Ste. 104
Melbourne, FL 32934

1 9 9 3 0 9 0 3 0 4 3 2 9 3 4



Hasler
05/20/2019
FIRST-CLASS MAIL
PSRT
US POSTAGE \$000.45



ZIP 32935
011D12604129

CODE ENFORCEMENT SPECIAL MAGISTRATE OF
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA,

Petitioner,

vs.

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937

CASE NO: 09CE-00304 (09-0087)

LARRY & PAMALA LONG,
Respondent(s).

ORDER ON REQUEST FOR REDUCTION OF FINE

THIS MATTER came for consideration by the Code Enforcement Special Magistrate of Brevard County, Florida, on 5/16/2019, on the Request of PHILLIP WELSH, New Owner, through previous owner and attorney Shane Smith, to address the fines accrued in the above-styled case. The Code Enforcement Special Magistrate being otherwise fully advised, it is thereupon,

ORDERED as follows:

1. The Respondent's Request is **DENIED**. All fines assessed in accordance with the Special Magistrate's Order, dated 3/19/2009, which as of 5/12/2009, accrued to EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$8,500.00), partial payment of \$50 was received, leaving a balance of **EIGHT THOUSAND, FOUR HUNDRED FIFTY DOLLARS (\$8,450.00)**, which remain due and outstanding.
- 2.

OR

1. The accrued fines assessed in accordance with the Special Magistrate's Order, dated 3/19/2009, which as of 5/12/2009, accrued to EIGHT THOUSAND, FIVE HUNDRED DOLLARS (\$8,500.00), partial payment of \$50 was received, leaving a balance of **EIGHT THOUSAND, FOUR HUNDRED FIFTY DOLLARS (\$8,450.00)**, are hereby **REDUCED** to: *Two thousand four hundred eighty eight* (\$ *2488*.00), contingent upon the following:
 - a. Payment in full of the reduced amount must be received within *thirty (30)* days.
2. If payment is not timely paid, amount due reverts back to original fine amount and may be imposed.
3. An Acknowledgment and Release of Lien will not be recorded until the fines are paid in full.
- 4.

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

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.

DONE AND ORDERED on May 16, 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart Capps

cc: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL
32934

11CE-01081



BOARD OF COUNTY COMMISSIONERS

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

Hasler

FIRST-CLASS MAIL

05/20/2019

PSRPT

US POSTAGE \$000.45 9



ZIP 32935

011D12604129

SHANE SMITH, Previous Owner/Attorney
3845 W. Eau Gallie Blvd., Ste. 104
Melbourne, FL 32934

199 DRGXNHP 32934



CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: Thursday, 5/16/2019 9:00 a.m., Bldg C,
2nd Floor Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL
32940
FAX or Email completed form to: 321-633-2167 code.enforcement@brevardfl.gov
Mail original to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson
Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP- 4/19/19

Case No. 11CE-01081(06-3409)

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

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.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154-Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY George Wolfe ON 12/7/2006

REPEAT VIOLATION of Sections 94-48 and 114-28(b), Brevard County Code: Residential Maintenance and INITIAL VIOLATION of Sections 94-311 to 94-314: Junk/Abandoned Vehicles

Violation heard on 11/2/2006, fine ordered to accrue at \$100.00 per day from 10/12/2006 until compliance on 12/7/2006; the fine accrued to \$5,600.00 (56 days in violation). Request for Reduction heard at Time of Imposition on 7/24/2008. Reduction granted to \$4,480.00, contingent upon payment with 30 days or payment plan or further imposed. No payments received. Fine imposed as lien by Special Magistrate on 3/19/2009.

Enforcement costs in the amount of \$350.00 were paid on 12/5/2007.

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

Attorneys David Disston and Shane Smith

REDUCTION FACTOR WORKSHEET

THIS WORKSHEET MUST BE COMPLETED AS PART OF THE APPLICATION PROCESS

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 Did Not yet own the Property

- 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 X
- 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 \$5,600.00

Recommend Reduction to \$ 150.00

(Must Enter an Amount)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.



CODE ENFORCEMENT SPECIAL MAGISTRATE OF
BREVARD COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA,
Petitioner,

CASE NO: 16CE-00509

Property Address: 325 BERKELEY ST
SATELLITE BEACH FL 32937

vs.

LARRY LONG,
Respondent(s).

ORDER ON REQUEST FOR REDUCTION OF FINE

THIS MATTER came for consideration by the Code Enforcement Special Magistrate of Brevard County, Florida, on 5/16/2019, on the Request of PHILLIP WELSH, New Owner, through previous owner and attorney Shane Smith, to address the fines accrued in the above-styled case. The Code Enforcement Special Magistrate being otherwise fully advised, it is thereupon,

ORDERED as follows:

1. The Respondent's Request is **DENIED**. All fines assessed in accordance with the Special Magistrate's Order, dated 7/21/2016, which as of 9/11/2016, accrued to EIGHTEEN THOUSAND, SEVEN HUNDRED, SEVENTY-FIVE DOLLARS (\$18,775.00) remain due and outstanding.

2.

OR

1. The accrued fines assessed in accordance with the Special Magistrate's Order, dated 7/21/2016, which as of 9/11/2016, accrued to EIGHTEEN THOUSAND, SEVEN HUNDRED, SEVENTY-FIVE DOLLARS (\$18,775.00) are hereby **REDUCED** to: three thousand eight hundred (\$ 3,867 .00), contingent upon the following:

a. Payment in full of the reduced amount must be received within thirty (30) days.

2. If payment is not timely paid, amount due reverts back to original fine amount and may be imposed.

3. An Acknowledgment and Release of Lien will not be recorded until the fines are paid in full.

4.

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

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.

DONE AND ORDERED on May 16, 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA


Stewart Capps

cc: PHILLIP WELSH, New Owner 525 W River Oaks Dr Indialantic FL 32903
SHANE SMITH, Previous Owner/Attorney 3845 W. Eau Gallie Blvd., Ste. 104 Melbourne, FL 32934



* 16CE-00509

PLANNING AND DEVELOPMENT DEPARTMENT
CODE ENFORCEMENT DIVISION
2725 Judge Fran Jamieson Way, Bldg. A, Room 114
Viera, FL 32940

DAVID DISSTON
SHANE M SMITH PA
3845 W EAU GALLIE BLVD SUITE 104
MELBOURNE FL 32934

199 DPOXN1P 32934



Hasler
05/20/2019
FIRST-CLASS MAIL
PRESPT
US POSTAGE \$000.45



ZIP 32935
011D12604129

CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: 5/16/2019 9:00 a.m., Thursday in Bldg C, 2nd Floor, Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela code.enforcement@brevardfl.gov and Mail original to: Brevard County Code Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP 4/19/19*

Code Enforcement Case No. **09CE-00304(09-0087)**

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

REQUEST FOR REDUCTION OF PENALTY

(Consider this document your Notice of Hearing-No other notice will be sent for this request)

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, all 3 pages. **Failure to provide complete information may delay consideration of your request.** Enforcement Costs must be paid prior to scheduling case for hearing. Special Magistrate cannot reduce enforcement cost. 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. **You must be present at the meeting.** If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income); however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext 52885.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154 - Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY Mark Herold ON 5/12/2009

REPEAT VIOLATIONS of Brevard County Code: Sections 94-48, 114-28(b), 94-311- to 94-312, Residential Maintenance, Overgrowth, Junk Vehicles; and INITIAL Section 62-2117(c)(5), Parking/Storage Vans, Trailers.

Violation heard on 3/19/2009; Repeat fine ordered to accrued at \$100.00 per day from 2/16/2009 until compliance of 5/12/2009 (85 days in violation). The fine accrued to \$8,500.00. A partial payment of \$50 was received leaving a balance of the fine due of \$8,450.00.

Enforcement costs in the amount of \$350.00 were paid on 12/29/2009.

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

Attorneys David Disston and Shane Smith

MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

See Attached Exhibit "A"

Date: 4/15/19

Signed: David Disston

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 4/15/19

Notary Public: Kathleen A. Nilan (seal)



KATHLEEN A NILAN
Commission # GG 194514
Expires March 15, 2022
Bonded Thru Budget Notary Services

REDUCTION FACTOR WORKSHEET

(THIS FORM MUST BE COMPLETED AS PART OF THE APPLICATION)

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 Did Not Yet own the Property

- 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 X
- 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 \$8,450.00

Recommend Reduction to \$ 150.00 (enter amount you agree to pay)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.



CODE ENFORCEMENT SPECIAL MAGISTRATE
BREVARD COUNTY, FLORIDA

Special Magistrate Hearing: 5/16/2019 9:00 a.m., Thursday in Bldg C, 2nd Floor, Space Coast Room, 2725 Judge Fran Jamieson Way, Viera, FL

FAX COMPLETED FORM TO: 321-633-2167/return by e-mail to Angela
code.enforcement@brevardfl.gov and Mail original to: Brevard County Code
Enforcement, 2725 Judge Fran Jamieson Way, Bldg A 114, Viera, FL 32940
DUE ON OR BEFORE: ASAP 4/19/19*

Code Enforcement Case No. **15CE-02011**

Property Address: 325 BERKELEY ST, SATELLITE BEACH FL 32937

District: 4

Previous Owner: LARRY & PAMALA LONG, SHANE SMITH

New Owner's Name: PHILLIP WELSH

REQUEST FOR REDUCTION OF PENALTY

(Consider this document your Notice of Hearing-No other notice will be sent for this request)

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, all 3 pages. **Failure to provide complete information may delay consideration of your request.** Enforcement Costs must be paid prior to scheduling case for hearing. Special Magistrate cannot reduce enforcement cost. 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. **You must be present at the meeting.** If you are claiming medical or financial hardship, attach supporting documentation (i.e., a doctor's statement or proof of income); however they will become public record. If you have any questions, please call Angela at (321) 633-2086, ext 52885.

Property Owner's Name: PHILLIP WELSH c/o Attorneys David Disston and Shane Smith

Property Owner's Mailing Address: 525 W River Oaks Dr Indialantic FL 32903

(321) 508-5154 - Phillip Welsh

Phone Number where you can be reached during the day: (321) 724-1919 - Attorneys

STATUS OF PROPERTY AS OF INSPECTION MADE BY Stephen Novak ON 9/11/2018

VIOLATION of Sections 94-119 and 94-211 to 94-312, Brevard County Code: Residential Maintenance and Junk/Abandoned Vehicles

Violation heard on 1/21/2016; fine ordered to accrued at \$25.00 per day from 2/26/2016 until compliance of 9/11/2018 (928 days in violation). The fine accrued to \$23,200.00

Enforcement costs in the amount of \$550.00 were paid on 10/10/2018.

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

Attorneys David Disston and Shane Smith

MAKE CERTAIN THAT THIS FORM AND ANY ATTACHMENTS COMPLETELY SET FORTH YOUR POSITION. YOU MUST BE PRESENT TO ANSWER ANY QUESTIONS THE SPECIAL MAGISTRATE MAY HAVE.

I, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, do hereby submit this Request for Reduction of Penalty, and in support offer the following statement:

See Attached Exhibit "A"

Date: 4/15/19

Signed: *David Disston*

STATE OF FLORIDA)
COUNTY OF BREVARD)

PERSONALLY appeared before me, the undersigned authority duly authorized to administer oaths and take acknowledgments, PHILLIP WELSH, Attorneys DAVID DISSTON or SHANE SMITH, who first being duly sworn, acknowledged before me that the information contained herein is true and correct. He/she is not personally known to me and has produced a Florida driver's license as identification and did take an oath.

Date: 4/15/19

Notary Public: *Kathleen A. Nilan* (seal)



KATHLEEN A NILAN
Commission # GG 194514
Expires March 15, 2022
Bonded thru Budget Notary Services

REDUCTION FACTOR WORKSHEET

(THIS FORM MUST BE COMPLETED AS PART OF THE APPLICATION)

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 Did Not yet own the Property

- 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 **\$23,200.00**

Recommend Reduction to \$ 150.00 (enter amount you agree to pay)

EXHIBIT "A"

The property located at 325 Berkeley St. Satellite Beach FL 32937 was allowed to fall into serious disrepair by its former owner Larry Long, and the property became an eyesore to the community. Mr. Long failed to work with Code Enforcement to bring the property into compliance, refused to pay the fines and costs associated with the violations found on the property, and when Mr. Long passed away the property was left empty and the decay continued. None of Mr. Long's heirs had the means to bring the home into compliance, or even open a probate to administer Mr. Long's Estate. There were no assets in the estate and all the heirs were nearly destitute.

Because no probate had been opened and due to the existence of increasing code enforcement fines, there were no investors interested in purchasing the property. The property sat empty for almost a year before Mr. Smith offered to purchase the property and pay to have the probate estate opened so the property could be rehabilitated by Mr. Welsh.

Not only was the Property an eyesore, it was dangerous. Mr. Long had been a hoarder for over a decade prior to his passing. The lot was a literal junkyard, containing numerous broken vehicles, appliances, debris, needles, and guns. This property was nothing short of a drug den in the middle of good neighborhood full of young children.

Mr. Smith and Mr. Welsh, immediately started working with Code Enforcement to bring the property into compliance. Mountains of junk were removed from the lot, the house was demolished, and now the lot is clear. After bringing the property into compliance several of the fines associated with the property, including 11CE-1354 (840.00), 09C-02315 (1,900.00), and 17CE-01963 (350.00) were paid in full. Mr. Welsh is now planning on building a new home on the property, and due to his efforts, an eyesore to the community has been alleviated, the property will bring in increased tax revenue, and will be a boon to the community rather than a blight.

If reductions are not granted in cases such as these then it will be difficult to get people to invest significant amounts of capital into purchasing blighted properties and even more capital into rehabilitating said properties. This will result in more properties remaining blights for longer than they otherwise would be if investors were able to count on the county and magistrate to be judicious in granting requests for reductions of accrued fines.

It is in the community's best interests that people be incentivized to purchase and rehabilitate properties that have been allowed to become a blight to the community. By granting a reduction in this case the magistrate and county would be incentivizing the rehabilitation of these eyesores to the community.

Wherefore, we humbly request in good faith that the fines and liens on 325 Berkeley St. Satellite Beach FL 32937 be reduced to the extent allowable by law.

