

Meeting Date
August 18, 2015



AGENDA	
Section	CONSENT
Item No.	II.D.7

AGENDA REPORT
BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT:	Board Authorization for the County Manager to Execute Releases of Liens
DEPT/OFFICE:	Scott L. Knox, County Attorney, (321) 633-2090 Matthew Soss, Assistant County Attorney (321) 633-2090

Requested Action:
 Authorize the County Manager to negotiate and execute the appropriate release of a code enforcement lien in cases where Brevard County, holding an inferior interest to the party initiating the foreclosure, is not named as a party to the foreclosure action.

Summary Explanation & Background:

Chapter 162, Florida Statutes authorizes the assessment of administrative fines for code violations, the imposition of which results as a lien against the land on which the violation exists.


In foreclosure actions, generally speaking, Brevard County's code lien is junior to the interest of the party foreclosing on the property. As a junior interest, Brevard County's lien is extinguished through the foreclosure process, but only if Brevard County is named as a party to the foreclosure.

Occasionally, a Plaintiff fails to name Brevard County in the original foreclosure case, which requires that the Plaintiff file a re-foreclosure and join the County to extinguish the recorded lien. In order to expedite this process and avoid unnecessary litigation, Staff requests that the Board authorize the County Manager to negotiate and execute the appropriate release of a code enforcement lien in cases where Brevard County, holding an inferior interest to the party initiating the foreclosure, is not named as a party to the foreclosure action.

Clerk to the Board Instructions:

Exhibits Attached:

Contract /Agreement (If attached): Reviewed by County Attorney	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	PR	<input type="checkbox"/>
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County Manager	Assistant County Manager	Department Director / Extension
Stockton Whitten	Assistant County Manager	 Scott Knox, County Attorney



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

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August 19, 2015

MEMORANDUM

TO: Tom Rosenberg, Budget Director

RE: Item II.D.7., Board Authorization for the County Manager to Execute Release of Liens

The Board of County Commissioners, in regular session on August 18, 2015, authorized the County Manager to negotiate and execute the appropriate release of a Code Enforcement lien in cases where Brevard County, holding an inferior interest to the party initiating the foreclosure, is not named as a party to the foreclosure action.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Etheridge, Deputy Clerk

/ds

cc: County Manager
County Attorney
Assistant County Attorney Soss
Code Enforcement
Finance