



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

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F.15.

5/20/2025

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### Subject:

Proposed settlement agreement in Delta Fund, LLP v. Board of County Commissioners of Brevard County, Florida, Case No. 2025-CC-011451

### Fiscal Impact:

In exchange for receipt of \$5,000 from Delta Fund, LLP, the County shall provide a partial release of a code enforcement lien in the total amount of \$29,960. The \$24,960 balance will remain effective as a lien encumbering the subject property and against other parties not released.

### Dept/Office:

County Attorney's Office / Planning and Development

### Requested Action:

Approve and authorize the Chairman to sign the attached Settlement Agreement.

### Summary Explanation and Background:

The County holds a code enforcement lien recorded on February 18, 2011 (the "Lien") against property located at 1820 Hallum Avenue, Titusville, Florida. The Lien arose from code enforcement case number 10CE-01332. Delta Fund, LLP ("Delta Fund") acquired this property on October 7, 2011, after code enforcement fines had begun to accrue. The Lien cross-attached to all real or personal property Delta Fund owns in the state of Florida. Delta Fund sold or otherwise conveyed this property on July 11, 2013. The code enforcement violation has never been complied and it remains today. Because Delta Fund no longer owns this property, it is unable to bring the violation into compliance. The Lien continues to exist on this property and the other properties Delta Fund owns.

In January 2024, Delta Fund filed a complaint for declaratory judgment asking the court to declare that the Lien does not attach to Delta Fund or any of its properties. To settle this case, Delta Fund has offered to provide payment in the amount of \$5,000.00 in exchange for a partial release of lien. The partial release of lien shall only release Delta Fund and any real or personal property Delta Fund owns from the Lien. The partial release of lien shall not release the Lien as to any other property, entity, or individual otherwise subject to the Lien.

Code enforcement fines have accrued in the amount of \$29,960, the maximum possible accrual for the Lien under the Code because it is equal to 35 percent of the assessed value of the property. This settlement does not prevent the County from obtaining the remaining balance of the Lien from the current property owner or any other entity still subject to the Lien.

### Clerk to the Board Instructions:

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F.15.

5/20/2025

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Provide a copy of the Clerk's Memorandum and the original executed Settlement Agreement to the County Attorney's Office.



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

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

May 21, 2025

**M E M O R A N D U M**

**TO:** Morris Richardson, County Attorney

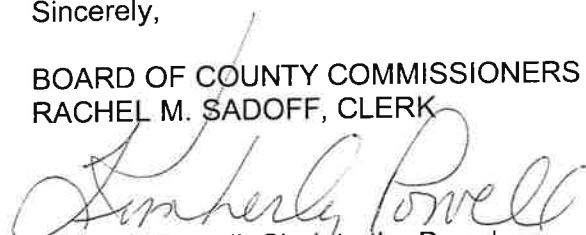
**RE:** Item F.15., Proposed Settlement Agreement in Delta Fund, LLP v. Board of County Commissioners of Brevard County, Florida, Case No. 2025-CC-011451

The Board of County Commissioners, in regular session on May 20, 2025, approved and authorized the Chairman to sign Settlement Agreement in Delta Fund, LLP v. Board of County Commissioners of Brevard County, Florida, Case No. 2025-CC-011451. Enclosed is a fully-executed Settlement Agreement.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
RACHEL M. SADOFF, CLERK

  
Kimberly Powell, Clerk to the Board

/tr

Encl. (1)

cc: Planning and Development  
Finance  
Budget

## SETTLEMENT AGREEMENT

Delta Fund LLP (“Delta Fund”) and Brevard County (the “County”) (collectively, the “Parties”), are parties to litigation styled *Delta Fund LLP v. Board of County Commissioners of Brevard County, Florida* Case No. 05-2025-CC-011451-XXCC-BC, in the County Court in and for Brevard County, Florida (the “Litigation”).

1. **The Lien.** The County holds a code enforcement lien recorded on February 18, 2011, in the Official Records of Brevard County Book 6335, Page 1534 (the “Lien”), against a property with an address of 1820 Hallum Avenue, Titusville, Florida. The Lien arose from code enforcement case number 10CE-01332. Delta Fund acquired this property on October 7, 2011. The Lien cross-attached to all real or personal property Delta Fund owns in the state of Florida. Delta Fund sold or otherwise conveyed this property on July 11, 2013. The code enforcement violation has never been complied and it remains today. Because Delta Fund no longer owns this property, it is unable to bring the violation into compliance.
2. **Delta Fund Responsibilities.** Within 10 days of the date of last signature below, Delta Fund shall provide payment in the amount of \$5,000.00 to Brevard County Planning and Development.
3. **Brevard County Responsibilities.** Within 10 days of receipt of Delta Fund’s payment, the County shall execute a partial release of lien. This partial release of lien shall only release Delta Fund and any real or personal property Delta Fund owns from the Lien. The partial release of lien shall not release the Lien as to any other property, entity, or individual previously encumbered by the Lien.
4. **Mutual Release and Dismissal of Claims.** Delta Fund and the County release all existing claims against one another which were raised in the Litigation or could have been raised in the Litigation, and agree to file a stipulation of dismissal of all claims, cross-claims, and counterclaims with prejudice, including declaratory relief and injunctive relief. Each party shall bear their own respective attorney’s fees and costs related to the Litigation.
5. **Execution of Documents.** The Parties agree to execute any and all documents necessary to carry out the spirit and intent of this Agreement.
6. **Effective Date.** This Agreement shall be effective as of the date of the last signature below.

[SIGNATURE PAGE TO FOLLOW]

  
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Delta Fund, LLP

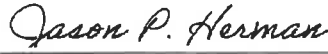
05/05/2025


\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Rob Feltner, Chairman  
Brevard County Board of County Commissioners  
As approved by the Board on May 20, 2025

ATTEST

  
\_\_\_\_\_  
Rachel Sadoff, Clerk

  
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Jason P. Herman, Esq.  
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7380 W Sand Lake Rd Ste 500  
Orlando, FL 32819  
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