

**Board of County Commissioners
Agenda Request**

Date of Meeting: May 5, 2015

Date Submitted: April 22, 2015

To: Honorable Chairperson and Members of the Board

From: David Weiss, County Attorney
Robert Presnell, County Administrator
Clyde Collins, County Code Enforcement

Subject: Code Enforcement Lien Satisfaction/Alice Cox; Parcel ID No. 3152N4W09110000B0120

Statement of Issue:

This item seeks satisfaction of a Code Enforcement Lien on property previously owned by Alice Cox, bearing Parcel ID No. 3152N4W09110000B0120 (the “Property”); and authorization for the Chairperson to execute a Satisfaction of Lien to be recorded in the public records.

Background:

At the end of 2013, the Gadsden County Department of Building Inspection, Division of Code Enforcement took code enforcement action against the Property under Ordinance No. 2012-005, titled the “Special Magistrate Alternate Code Enforcement System.” As a result of such action, the Magistrate entered two Orders which were recorded in the public records and became liens on the Property. The Property was recently sold at a tax sale. The sale resulted in excess proceeds, and the Clerk forwarded funds sufficient to satisfy the code enforcement lien.

Analysis:

The County has received funds sufficient to satisfy the code enforcement lien and must record a satisfaction in the public records.

Fiscal Impact:

The County received \$476.40 in satisfaction of the lien.

Options:

1. Find that the Code Enforcement Lien was satisfied and authorize the Chairperson to sign the Satisfaction of Lien to be recorded in the public records.
2. Board Discretion.

County Staff's Recommendation:

Option 1.

Attachments:

1. Satisfaction and Termination of Lien;
2. Copy of letter from the Clerk with enclosed check, code enforcement lien documents, and letter from the Tax Collector.

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SATISFACTION AND TERMINATION OF LIEN

KNOW ALL MEN BY THESE PRESENTS that **GADSDEN COUNTY, FLORIDA, a political subdivision of the state of Florida** (“County”), is the owner and holder of the following documents and instruments (collectively, the “**Liens**”):

1. Order of Violation Imposing Code Enforcement Lien, recorded on January 24, 2014 in Official Records Book 784, Page 1029 et seq. of the Public Records of Gadsden County, Florida;
2. Order, recorded on September 12, 2013 in Official Records Book 779, Page 336 et seq. of the Public Records of Gadsden County, Florida.

NOW, THEREFORE, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County, which still retains and holds the Liens, hereby acknowledges that the Liens, the debt and underlying obligations secured thereby, are satisfied and terminated and the Clerk of the Court shall discharge and terminate same of record.

IN WITNESS WHEREOF, the said County has executed these presents this ____ day of _____, 2015.

Signed, sealed, and delivered
in the presence of:

**GADSDEN COUNTY, FLORIDA, a political
subdivision of the State of Florida**

(1st Witness-Signature)

(1st Witness-Printed Name)

(2nd Witness-Signature)

(2nd Witness-Printed Name)

By: _____
Name: Brenda Holt
Title: Chairperson, Gadsden County Board of County
Commissioners

STATE OF FLORIDA
COUNTY OF GADSDEN

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Brenda Holt, as Chairperson of the Gadsden County Board of County Commissioners, on behalf of Gadsden County, Florida, a political subdivision of the State of Florida. Such person: () is personally known to me; () produced a current driver's license as identification; or () produced _____ as identification.

(Notarial Seal)

(Signature of Notary Public)

(Typed or Printed Name of Notary Public)

Nicholas Thomas

Gadsden County, Florida

Clerk of the Circuit Court



Clerk of the County Court

Clerk to the Board of County Commissioners
County Recorder
County Auditor

April 14, 2015

Mr. Robert Presnell
Gadsden County Administrator
P O Box 1799
Quincy, FL 32351

Ref: Parcel ID #3152N4W0911000B0120 – Alice Cox C/O Tywana Culpepper

Mr. Presnell:

On December 3, 2014 county owned tax certificate #1781 of 2008 on the above property was sold to the highest bidder, Jesse Pennywell. The sale resulted in a net excess overbid in the amount of \$542.75.

The Code Enforcement Division recorded liens in book 784 page 1029-1030, and book 779 pages 336-338 (copies attached). Please note discrepancy in parcel ID # on each recorded lien.

A copy of check #224512 for \$542.75 payable to Gadsden Board of County Commissioners is attached. Please advise to which lien or liens payment should be applied. The preparation of a satisfaction of lien or liens to be recorded in Official Records may be required if payment amount is sufficient.

By way of this letter I am notifying the Department of Building Inspection and Mr. David Weiss, too.

I await your direction.

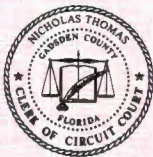
Sincerely,

Glenda McPherson

Executive Assistant to the Clerk

CC: Mr. Clyde Collins/ David Weiss

Attachments



Nicholas Thomas
CLERK OF THE CIRCUIT COURT
GADSDEN COUNTY, FLORIDA
Quincy, Florida 32351
TRUST ACCOUNT

Capital City Bank
QUINCY, FLORIDA
63-68/631

224512

CHECK DATE
04/09/15

CHECK NO.
224512

AMOUNT

\$*****542.75*

PAY THE SUM OF FIVE HUNDRED FORTY TWO DOLLARS & 75 CENTS

TO THE ORDER OF GADSDEN CO BOARD OF COUNTY COMM
PO BOX 1799
QUINCY FL 32353-1799

VOID AFTER 6 MONTHS

NICHOLAS THOMAS
CLERK OF CIRCUIT COURT

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

⑈ 224512⑈ ⑆063100688⑆

6680842901⑈

NICHOLAS THOMAS CLERK OF CIRCUIT COURT
TRUST ACCOUNT

224512

VENDOR NO. TD240

CHECK NO. 224512

ACCOUNT	PURCH. ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
601	220115	TC 1781-2008	542.75	OVERBID FEES
<i>Parcel ID# 3152N4W091/0000 B0120</i> <i>Code Enforcement Order - Bk 784 Pages 1029-1030</i> <i>Judgment - Bk 779 page 336-338</i> <i>Alice Cox</i> <i>Ch. Jeannette Culpepper</i>				

TD240 GADSDEN CO BOARD OF COUNTY COMM

Recording Fee: \$18.50

GADSDEN COUNTY BOARD OF
COUNTY COMMISSIONERS
DEPARTMENT OF BUILDING INSPECTION
DIVISION OF CODE ENFORCEMENT

IN RE: PARCEL NO. 2152N4W09110000B0120

Record Owner: Alice Cox C/O Tywana Culpepper

CASE NO. 13-02

ORDER OF VIOLATION IMPOSING CODE ENFORCEMENT LIEN

THIS CAUSE came before the Special Magistrate appointed by the Gadsden County Board of County Commissioners to hear code enforcement proceedings pursuant to ch. 162, Florida Statutes, and Gadsden County Ordinance No. 2012-005, upon the Gadsden County Code Inspector's Notification and Affidavit of Non-Compliance with the Magistrate's Order dated 4/30/2013. The Initial Order was entered after a hearing on 9/23/2013. Notice of the violation and the hearing were properly served prior to the hearing; the Initial Order was properly served after the hearing; and the Notification and Affidavit was properly served following non-compliance. The Initial Order found that the property conditions constituted a violation of the Gadsden County Code of Ordinances, ordered the record owners of the property to correct the violation within fifteen (15) days, authorized Gadsden County to take action to correct the violation upon the property owners' non-compliance, and reserved jurisdiction to assess fines and costs for non-compliance. The Magistrate has reviewed the Notification and Affidavit and all filings and evidence submitted in this action, and after consideration of the evidence presented, the Magistrate finds that Gadsden County is entitled to an Order of Violation assessing costs and a fine against the record owners of the property in violation of the Gadsden County Code of Ordinances and the Magistrate's Initial Order. Due and legal service of process has been made on the record owners, and the Special Magistrate has jurisdiction of the parties in this cause and its subject matter. The Magistrate finds that the fine imposed is reasonable based on the gravity of the violation and the lack of action by the violators to correct the violation, and that the County is entitled to recover the fine pursuant to the statute and the ordinance. It is therefore

ORDERED AND ADJUDGED that Gadsden County, a political subdivision of the State of Florida, whose address is 9-B East Jefferson Street, Quincy, Florida 32353, recover from Alice Cox C/O Tywana Culpepper, jointly and severally, as follows:

Demolition, Removal, and Disposal Costs: \$ 50.00

Assessed Costs of Enforcement, now taxed: \$ 400.00

Fine of \$ _____ per day for ____ days: _____

TOTAL: \$ 450.00

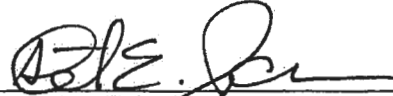
Which shall bear interest from the date of this Order at the prevailing statutory interest rate, for which let execution issue forthwith.

The Record Owners' last known addresses are as follows:

10310 Mina Ave. Whitaker, Ca. 10310

Pursuant to ch. 162, Florida Statutes, and Gadsden County Ordinance No. 2012-005, this Order shall be a lien on all property owned by Alice Cox C/O Tywana Culpepper upon recording a certified copy of the Order in the official records. Alice Cox C/O Tywana Culpepper shall be furnished with a copy of this Order at the below address and must request a hearing to challenge the Order and the resulting lien within 20 days from the date of entry of the Order. Upon Alice Cox C/O Tywana Culpepper failure to request a hearing within 20 days from the date of entry of the Order, Gadsden County shall record a certified copy of this Order in the official records, and the Order shall be a lien on all property owned by Alice Cox C/O Tywana Culpepper.

DONE AND ORDERED in Gadsden County, Florida, this January ^{23 SEP}15, 2014.


Honorable STEWART E. PARSONS
Special Magistrate

Copies furnished to:

Gadsden County Board of County Commissioners,
Department of Building Inspection,
Division of Code Enforcement
9-B East Jefferson Street
Quincy, FL 32353

[Property Owner 1]
[address]

[Property Owner 2]
[address]

GADSDEN COUNTY BOARD OF
COUNTY COMMISSIONERS
DEPARTMENT OF BUILDING INSPECTION
DIVISION OF CODE ENFORCEMENT

IN RE: PARCEL NO. 2-15-2N-4W-0911-0000B-0120

Record Owner: ALICE COX, c/o Tywana Culpepper CASE NO. 13-02

ORDER

THIS CAUSE having come on for hearing on August 29, 2013 before the Code Enforcement Magistrate, and it appearing that a Notice of Code Violation was served on the owners of the above property by registered mail, and thereafter a copy of the Notice was posted on the property as provided in Gadsden County Ordinance No. 2012-005, Section 3. (b) (2); and neither the Owner nor anyone on her behalf having appeared at the hearing; and the Magistrate having received sworn testimony from the Code Enforcement Officer, it is

FINDINGS OF FACT

The Magistrate finds from the testimony of Anthony Powell, Code Enforcement Officer, that the records in the office of the Gadsden County Property Appraiser reflect that the property is owned by ALICE COX, c/o Tywana Culpepper. The property is not occupied, and is over grown and the house located on the property is vacant and in need of repairs, and does not meet code standards and constitutes a health and safety hazard and is deleterious to public view and to surrounding properties and residents in the area. In addition, there is a very large quantity of junk and trash on the property, as reflected in photographs submitted by the Code Enforcement Officer.

CONCLUSIONS OF LAW

The Magistrate has determined that the above conditions violate the following provisions of Gadsden County Ordinance No. 08-033, Section 4: DECLARATION OF PUBLIC NUISANCES., which prohibits and declares to be a public nuisance within Gadsden County when present, occurring or located on, in, under or upon any lot, tract or parcel of land located within Gadsden County:

* * *

(1) the existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life which exists as a public nuisance violation if the existence of grass or weeds exceeds 12" in length or height;

* * *

(3) junk litter, rubbish, garbage, refuse, debris, or trash including, but not limited to, household furnishings and abandoned, discarded or unused objects or equipment, such as automobiles, other vehicles, mechanical equipment, furniture, stoves refrigerators, freezers, cans or containers; and

* * *

(6) a structure which presents a hazard or is deleterious to the public health, safety or welfare; and

* * *

it is therefore

ORDERED AND ADJUDGED:

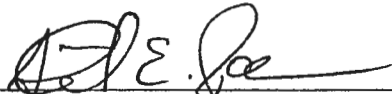
1. That ALICE COX, c/o Tywana Culpepper, within fifteen (15) days from the date of this order, shall repair and up grade the house located on the property so that it meets code standands, and in addition shall mow the property and remove, and properly dispose of, all of the junk, debris, or trash, located on the property, and reflected in the photographs which were submitted by the Code Enforcement Officer.

2. In the event that ALICE COX, c/o Tywana Culpepper shall fail to comply with the terms of this Order, then Gadsden County is hereby authorized to take all necessary to demolish and remove the house located on the property and to mow the property and remove and dispose of all junk, debris, or trash, located on the property,

and to place a lien against the property for the amount of the cost of removal and disposal of the above described structures and other items.

3. In addition to the costs of disposal and removal, costs in the amount of \$250.00, representing the costs incurred by Gadsden County in bringing this enforcement action are hereby assessed against the Owner, and shall be paid within 30 days of the date of this Order, and may be included in the lien against the property to which Gadsden County is entitled. The Magistrate reserves the right to assess further fines and costs for the failure to comply with the terms of this order.

DONE AND ORDERED in Quincy, Florida, this 3rd day of
September, 2013.


STEWART E. PARSONS
Magistrate

Copies furnished to:

Board of County Commissioners, Department of Building Inspection,
Division of Code Enforcement
ALICE COX, c/o Tywana Culpepper



W. DALE SUMMERFORD, CFC

TAX COLLECTOR, GADSDEN COUNTY
WWW.GADSDENTAXCOLLECTOR.COM

August 4, 2014

Honorable Nicholas Thomas
Clerk of the Circuit Court
P. O. Box 1799
Quincy, FL 32353-1799

Dear Mr. Thomas,

Attached hereto is the application for Tax Deed submitted to this office by the following:

Gadsden County ✓

In accordance with Florida Statutes, we have completed the following documents and submit them herewith for execution by your office:

Tax Collector's Certification
Title Search
Receipt numbers: 7000412.0089-.0095
Certificate(s): 1781 of 2008

LIEN HOLDERS:

Gadsden County ✓ (9999)
Certs 1933/14, 2015/13, 2145/12, 2054/11
1933/10, 1782/09, 1781/08
P.O. Box 1649
Quincy, FL 32353-1649

Gadsden County Board of ✓
County Commissioners
Department of Building Inspection
Division of Code Enforcement
9-B East Jefferson St
Quincy, FL 32351

LAST OWNERS OF RECORD:

Alice Cox ✓
C/O Tywana Culpepper
10310 Mina Avenue
Whitaker, CA 10310

CONTIGUOUS PROPERTY OWNERS

See Map Attachments

To the best of our knowledge this is the last known address. If you have a more current address, please feel free to use it.

Sincerely,