

Gadsden County Board of County Commissioners Agenda Request

Date of Meeting: May 20, 2014

Date Submitted: May 7, 2014

To: Honorable Chairman and Members of the Board

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

Subject: Keith A. and Shady E. Trim; Parcel ID No. 6-02-1S-4W-1270-0000C-0100/Code Enforcement

Statement of Issue:

This item seeks direction regarding the release of a code enforcement lien on property owned by Keith A. and Shady E. Trim (the "Property Owners") located at 153 Alma Yates Street, Quincy, FL 32351 (the "Property") in consideration for \$1,500.00.

Background:

The County has a Code Enforcement Lien against the Property and all other property owned by the Property Owners in Gadsden County by virtue of a Code Enforcement Lien for costs, fines, and the cost of demolition and remedial action taken due to code violations on the Property. The Code Enforcement Lien is in the amount of \$8,680.00, and is accruing interest at the statutory rate.

Benjamin Bond holds a mortgage on the Property which was recorded before and is superior to the County's Code Enforcement Lien. Mr. Bond's attorney has advised that the Property Owners are in default under the loan, and Mr. Bond is seeking to exercise his rights under the mortgage to take title to the property. He has advised that the Property Owners are willing to give Mr. Bond a deed to the Property in lieu of foreclosure; and Mr. Bond has offered to pay the County \$1,500.00 to release the Code Enforcement Lien against the Property to enable him to accept the deed in lieu, as it would cost him approximately that amount to foreclose the lien of the mortgage in order to foreclose the County's interest in the Property by virtue of the Code Enforcement Lien.

Analysis:

The County may release its Code Enforcement Lien against the Property and credit against the Code Enforcement Lien the consideration received (\$1,500.00). Taking such action will not otherwise impact the County's rights under the Code Enforcement Lien.

If Mr. Bond files an action to foreclose the lien of his mortgage in order to foreclose the County's interest in the Property, the County will receive any surplus proceeds from the sale of the property after foreclosure, up to the amount of its Code Enforcement Lien, but only after Mr. Bond is paid the full amount of his judgment. The promissory note secured by the mortgage was in the original principal amount of \$14,198.56 on May 13, 2011. Mr. Bond's attorney has advised that the current amount of the debt is approximately \$10,500. The amount of the judgment would be in excess of that amount after including costs, attorneys' fees, taxes, and any other amounts to which the mortgagor is entitled under the terms of the note and mortgage.

Fiscal Impact:

The County would receive \$1,500.00 if it releases the Property from the Code Enforcement Lien. If the value of the Property is sufficient to cause a bidder at a foreclosure sale to bid in excess of Mr. Bond's judgment, the County would receive the surplus proceeds up to the amount of its Code Enforcement Lien. The appraised value of the Property per the property appraiser's website is \$18,667. The value consists of land value of \$12,000, building value of \$3,167, and extra feature value of \$3,500. The building was demolished.

Options:

1. Accept the offer of \$1,500.00 to release the Code Enforcement Lien from the Property and authorize the Chairman to execute the Release.
2. Reject the offer of \$1,500.00 to release the Code Enforcement Lien from the Property and do not authorize the Chairman to execute the Release.
3. Reject the offer of \$1,500.00 to release the Code Enforcement Lien from the Property and do not authorize the Chairman to execute the Release; and instruct the County Attorney to make a counter-offer.
4. Board Discretion

County Attorney's Recommendation:

Option 4.

Attachments:

1. Code Enforcement Lien
2. Proposed Partial Release
3. Parcel information and location from the Gadsden County Property Appraiser's website

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

IN RE: PARCEL NO. 6-02-1S-4W-1270-0000C-0100

Record Owner: Keith A. & Shady E. Trim

CASE NO. 13-03

ORDER OF VIOLATION – NOTICE OF 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 May 31, 2013. The Magistrate has reviewed the Notification and Affidavit and all filings and evidence submitted in this action, has conducted a hearing on the Code Violation, 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 May 31, 2013 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 violator 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 Keith A. Trim and Shady E. Trim, jointly and severally, as follows:

Demolition, Removal, and Disposal Costs:	\$7,080.00
Assessed Costs of Enforcement, now taxed:	250.00
Fine of \$50.00 per day for 27 days:	1,350.00
TOTAL:	\$8,680.00

which shall bear interest from the date of this Order at the prevailing statutory interest rate (currently 4.75%), for which let execution issue forthwith.

Defendants' last known addresses are as follows:

Keith A. Trim
87 Cricket Lane
Quincy, FL 32351

Shady E. Trim
87 Cricket Lane
Quincy, FL 32351

Pursuant to ch. 162, Florida Statutes, and Gadsden County Ordinance No. 2012-005, this Order shall be a lien on all property owned by Keith A. Trim or Shady E. Trim upon recording a certified copy of the Order in the official records.

DONE AND ORDERED in Gadsden County, Florida, this _____, 2013.

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

Keith A. Trim
87 Cricket Lane
Quincy, FL 32351

Shady E. Trim
87 Cricket Lane
Quincy, FL 32351

This instrument was prepared by
or under the supervision of and
AFTER RECORDING, RETURN TO:
David J. Weiss, Esq.
AUSLEY McMULLEN
P.O. Box 391
Tallahassee, FL 32302

[Space Above This Line for Recording Data]

PARTIAL RELEASE OF CODE ENFORCEMENT LIEN

KNOW ALL MEN BY THESE PRESENTS that the **GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS** (the “**County**”), whose mailing address is 9-B East Jefferson Street, Quincy, FL 32353, is the owner and holder of that certain Order of Violation – Notice of Code Enforcement Lien against Keith A. Trim and Shady E. Trim, jointly and severally, dated November 8, 2013, and recorded on November 22, 2013 at Official Records Book 782, Page 556 et seq. of the Public Records of Gadsden County, Florida, which was Ordered because Keith A. Trim and Shady E. Trim failed to comply with that certain Order dated May 31, 2013, and recorded on July 12, 2013 at Official Records Book 776, Page 1550 et seq. of the Public Records of Gadsden County, Florida, as set forth in that certain Notification and Affidavit of Non-Compliance with Order dated November 14, 2013, and recorded on November 22, 2013 at Official Records Book 782, Page 553 et seq. of the Public Records of Gadsden County, Florida (collectively, the “**Code Enforcement Lien**”).

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 hereby releases the following real property (the “**Released Property**”) from the lien, operation and effect of the Code Enforcement Lien:

Lot 10, Block Tract C, a Resubdivision of a portion of Davidson’s Lake Talquin Subdivision, according to the map or plat thereof as recorded in Plat Book 1, Page 183, Public Records of Gadsden County, Florida.

PROVIDED, HOWEVER, that this Partial Release shall in no way be deemed or constitute a release, satisfaction, discharge or modification of the debt(s) or financial obligation(s) evidenced and secured by the Code Enforcement Lien and such debt(s) and obligation(s) shall remain in full force and effect; and,

PROVIDED, FURTHER, that this Partial Release shall in no way affect the lien, operation, or effect of the Code Enforcement Lien on any property other than the Released Property, and as to such other property, the Code Enforcement Lien shall remain in full force and effect.

IN WITNESS WHEREOF, the County has executed these presents this ____ day of _____, 2014.

Signed, sealed, and delivered
in the presence of:

**GADSDEN COUNTY BOARD OF COUNTY
COMMISSIONERS**

(1st Witness-Signature)

(1st Witness-Printed Name)

(2nd Witness-Signature)

(2nd Witness-Printed Name)

By: _____
ERIC F. HINSON, CHAIRPERSON

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this ____ day of _____, 2014, by **ERIC F. HINSON**, as **CHAIRPERSON** of the **GADSDEN COUNTY BOARD OF COUNTY COMMISSIONERS**, on behalf of said entity. Such person: () is personally known to me; () produced a current driver's license as identification; or () produced _____ as identification.

(Signature of Notary Public)

(Notarial Seal)

(Typed or Printed Name of Notary Public)



Gadsden County Property Appraiser
Clay Vanlandingham, CFA
County Appraiser

16 S. Calhoun St.
 Quincy, FL 32353-0585
 PH: (850) 627-7168
 FAX: (850) 627-0396

RECENT SALES IN THIS AREA	PREVIOUS PARCEL NEXT PARCEL	RETURN TO MAIN SEARCH PAGE	GADSDEN HOME
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OWNER NAME	TRIM KEITH A AND SHADY E	TODAY'S DATE	February 20, 2013
MAILING ADDRESS	153 ALMA YATES STREET	PARCEL NUMBER	6-02-1S-4W-1270-0000C-0100
	QUINCY, FL 32351	MILLAGE GROUP	GADSDEN COUNTY (7)
		TOTAL MILLAGE	16.6654
		PROPERTY USAGE	MOBILE HOM (000200)
		MARKET AREA	South West (04) Show Map
LOCATION ADDRESS	153 ALMA YATES ST	PARCEL MAP	Show Parcel Map Generate Owner List By Radius

2012 CERTIFIED TAX ROLL VALUES							Tax Collector Information	
JUST VALUE OF LAND	LAND VALUE AGRICULTURAL	BUILDING VALUE	TOTAL MISC VALUE	JUST OR CLASSIFIED TOTAL VALUE	ASSESSED VALUE	EXEMPT VALUE	TAXABLE VALUE	HOME STEAD
12,000	0	3,167	3,500	18,667	18,667	0	18,667	N

LAND INFORMATION			
LAND USE	NUMBER OF UNITS	UNIT TYPE	SEC-TWN-RNG
TALQ RESID	1.000	LT	2-1S-4W

SHORT LEGAL OR 746 P 25 OR 729 P 1769 OR 601 P 428 OR 287 P 5549 LOT 10, TRACT
[Show Complete Legal Description](#)

BUILDING DATA										
BUILDING #	TYPE	BASE AREA	HEATED AREA	BED ROOMS	BATHS	EXTERIOR WALL	HEATING	COOLING	ACTUAL YEAR BUILT	EFFECTIVE YEAR BUILT
Sketch Building 1	000801	720	720	2	2	WOOD,SHEATHING OR PLYWOOD	FORCED-AIR NOT DUCTED	WINDOW UNIT	Circa: 1967	1976

MISCELLANEOUS DATA				
DESCRIPTION	LENGTH	WIDTH	UNITS	YEAR BUILT
SHEDS	0	0	1 UNITS	0
FENCE, PRIVACY	0	0	1 UNITS	2002
UTILITIES/POWER	0	0	1 UNITS	2006

SALES DATA							
SALE DATE	BOOK/PAGE	ADJUSTED PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
05-13-2011	746/25	32,000	WARRANTY DEED	QUALIFIED	YES	BENJAMIN J BOND	KEITH A TRIM & SHADY E TRIM
12-15-2009	729/1769	100	QUIT CLAIM DEED	UNQUALIFIED	YES	JMSR CONSULTANTS AND HOME SERVICES OF TALL	B J BOND
10-22-2004	601/428	10,800	WARRANTY DEED	QUALIFIED	YES	RODNEY FINUFF & MARY J FINUFF	JMSR CONSULTANTS LLC
09-22-1993	409/690	100	WARRANTY DEED	UNQUALIFIED	YES	ACYE CHASON	MARY J FINUFF
09-21-1993	409/1036	100	WARRANTY DEED	UNQUALIFIED	YES	MELVERENE K STANALAND	ACYE CHASON
09-10-1993	409/16	100	QUIT CLAIM DEED	UNQUALIFIED	NO	ACYE CHASON	MARY J FINUFF
09-09-1993	409/15	100	QUIT CLAIM DEED	UNQUALIFIED	YES	MELVERENE K STANALAND	ACYE CHASON
10-17-1986	387/750	7,000	AGREEMENT FOR DEED	UNQUALIFIED	NO	MELVERENE STANALAND	ACYE CHASON
06-23-1981	287/554	100	WARRANTY DEED	UNQUALIFIED	NO	KENNETH PITTS & MAGGIE PITTS	MELVERENE EMINISOR

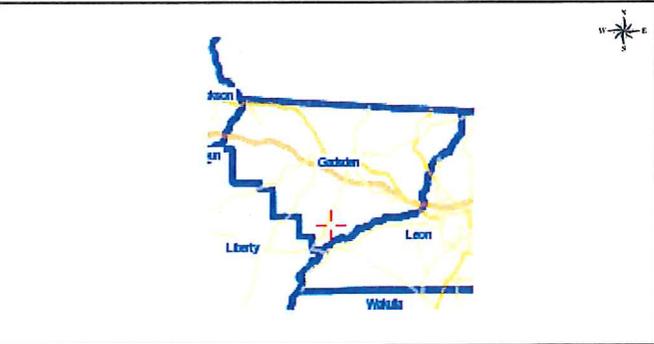
[Click on the Book-Page to view the Official Record](#)
[Generate Owner List By Radius](#)

The Gadsden County Property Appraiser's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. Website Updated: February 17, 2013

RECENT SALES IN THIS AREA	PREVIOUS PARCEL NEXT PARCEL	RETURN TO MAIN SEARCH PAGE	GADSDEN HOME
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Gadsden County Property Appraiser			
Parcel: 4-33-1N-4W-0000-00111-1600 Acres: 1.01			
Name:	ALLEN WILLIAM HENRY	Land Value	4,000
Site:	87 CRICKET LN	Building Value	22,183
Sale:	\$17,200 on 07-1994 Vacant=Y Qual=U	Misc Value	300
Mail:	4509 AUTUMN WOODS WAY TALLAHASSEE, FL 32303	Just Value	26,483
		Assessed Value	26,483
		Exempt Value	0
		Taxable Value	26,483



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Date printed: 02/19/13 : 12:22:29