

## **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

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### **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          |
| <b>TOTAL:</b>                             | <b>\$8,680.00</b> |

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.

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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<br>NEXT PARCEL | RETURN TO MAIN SEARCH PAGE               |   | GADSDEN HOME |
|---------------------------|--------------------------|--------------------------------|--|---|--------------|
| 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) <a href="#">Show Map</a> |   |              |
| LOCATION ADDRESS          | 153 ALMA YATES ST        | PARCEL MAP                     | <a href="#">Show Parcel Map</a>          | <a href="#">Generate Owner List By Radius</a> |              |

| 2012 CERTIFIED TAX ROLL VALUES |                            |                   |                        |   |                   |                 | Tax Collector Information |               |
|--------------------------------|----------------------------|-------------------|------------------------|---|-------------------|-----------------|---------------------------|---------------|
| JUST VALUE<br>OF LAND          | LAND VALUE<br>AGRICULTURAL | BUILDING<br>VALUE | TOTAL<br>MISC<br>VALUE | JUST OR<br>CLASSIFIED<br>TOTAL<br>VALUE | ASSESSED<br>VALUE | EXEMPT<br>VALUE | TAXABLE<br>VALUE          | HOME<br>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     |
| OR 746 P 25 OR 729 P 1769 OR 601 P 428 OR 287 P 5549 LOT 10, TRACT<br><a href="#">Show Complete Legal Description</a> |                 |           |             |
| <a href="#">SHORT LEGAL</a>   |                 |           |             |

| BUILDING DATA     |        |              |                |              |       |                            |                       |             |                         |                            |
|-------------------|--------|--------------|----------------|--------------|-------|----------------------------|-----------------------|-------------|-------------------------|----------------------------|
| BUILDING #        | TYPE   | BASE<br>AREA | HEATED<br>AREA | BED<br>ROOMS | BATHS | EXTERIOR WALL              | HEATING               | COOLING     | ACTUAL<br>YEAR<br>BUILT | EFFECTIVE<br>YEAR<br>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<br>PRICE | INSTRUMENT         | QUALIFICATION | IMPROVED?<br>(AT TIME OF<br>SALE) | GRANTOR                                    | GRANTEE                     |
| 05-13-2011 | <a href="#">746/25</a>   | 32,000            | WARRANTY DEED      | QUALIFIED     | YES                               | BENJAMIN J BOND                            | KEITH A TRIM & SHADY E TRIM |
| 12-15-2009 | <a href="#">729/1769</a> | 100               | QUIT CLAIM DEED    | UNQUALIFIED   | YES                               | JMSR CONSULTANTS AND HOME SERVICES OF TALL | B J BOND                    |
| 10-22-2004 | <a href="#">601/428</a>  | 10,800            | WARRANTY DEED      | QUALIFIED     | YES                               | RODNEY FINUFF & MARY J FINUFF              | JMSR CONSULTANTS LLC        |
| 09-22-1993 | <a href="#">409/690</a>  | 100               | WARRANTY DEED      | UNQUALIFIED   | YES                               | ACYE CHASON                                | MARY J FINUFF               |
| 09-21-1993 | <a href="#">409/1036</a> | 100               | WARRANTY DEED      | UNQUALIFIED   | YES                               | MELVERENE K STANALAND                      | ACYE CHASON                 |
| 09-10-1993 | <a href="#">409/16</a>   | 100               | QUIT CLAIM DEED    | UNQUALIFIED   | NO                                | ACYE CHASON                                | MARY J FINUFF               |
| 09-09-1993 | <a href="#">409/15</a>   | 100               | QUIT CLAIM DEED    | UNQUALIFIED   | YES                               | MELVERENE K STANALAND                      | ACYE CHASON                 |
| 10-17-1986 | <a href="#">387/750</a>  | 7,000             | AGREEMENT FOR DEED | UNQUALIFIED   | NO                                | MELVERENE STANALAND                        | ACYE CHASON                 |
| 06-23-1981 | <a href="#">287/554</a>  | 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

|   |   |  |                              |
|---|---|--|------------------------------|
| <a href="#">RECENT SALES IN THIS AREA</a> | <a href="#">PREVIOUS PARCEL<br/>NEXT PARCEL</a> | <a href="#">RETURN TO MAIN SEARCH PAGE</a> | <a href="#">GADSDEN HOME</a> |
|---|---|--|------------------------------|





# 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<br>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