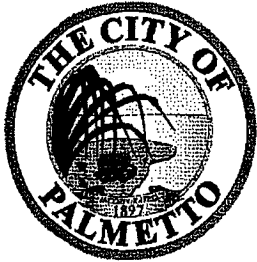


TAB 6

NOTICE OF LIEN



DATE: November 29, 2007
RESPONDENT: PAUL EWING and
COREY F BABCOCK
and to all those claiming by, through or
under same:
MAILING ADDRESS: 4109 Sandpointe Drive
Bradenton, FL 34205

The CITY OF PALMETTO, County of Manatee, State of Florida, 516 8th Ave W, P.O. Box 1209, Palmetto, Florida, 34220-1209, claims a lien against any real or personal property owned by the Respondent, for violation of Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3) and Section 16-27(a) & (b); Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(b). The City of Palmetto Code Enforcement Board, in Case #07-11, issued an Order Imposing Fine and Lien, a certified copy of which is attached hereto.

LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR ORDINANCE ACCRUING AND BECOMING DUE: \$3398.00

VIOLATION STREET ADDRESS: 2701 Business 41
Palmetto, FL 34221

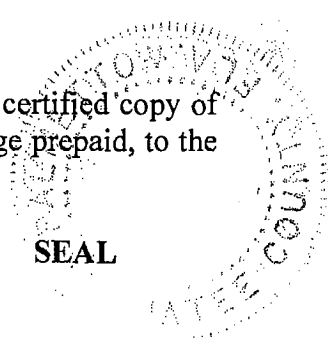
PROPERTY ID No. 24222.0015/9

I hereby certify that on this date a copy of this Notice of Lien and an attached certified copy of the Order Imposing Fine and Lien have been sent by ordinary U.S. Mail, postage prepaid, to the Owner(s) at the address listed above.

THE CITY OF PALMETTO

SEAL

By: James R. Freeman
James R. Freeman, City Clerk

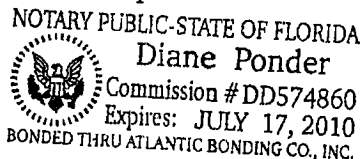


Sworn to and subscribed before me this 29th day of November, 2007.

Diane Ponder

NOTARY PUBLIC

My commission expires:



OR BOOK 02238 PAGES 2195 - 2195
MANATEE COUNTY CLERK COURT
1 PAGES(S)
RECORDED; 12/7/2007 8:52:36 AM





516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

November 2, 2007

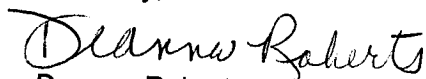
Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205

Dear Mr. Ewing and Mr. Babcock:

The enclosed Administrative Order and the Order Imposing Fine reflect the Orders handed down by the Code Enforcement Board at its September 25, 2007, and October 30, 2007, meetings. The costs/fine assessed, plus any applicable recording fees, will constitute a lien on the property once the Orders are recorded; however, if you pay within thirty (30) days, or by November 29, 2007, the City will not record the lien. The total costs imposed are \$275.00 and the fine is \$50 per day commencing September 30, 2007, and continuing until the violation is corrected.

Please contact Bill Strollo, Code Enforcement Director, at 723-4570 if you have any questions.

Sincerely,


Deanna Roberts
Clerk of the Board

/dr

cc: William Strollo, Code Enforcement Director
Michele S. Hall, Esq., City Attorney
David Persson, Esq., Code Enforcement Board Attorney



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P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
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Web: www.palmettofl.org

**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
REGULAR MAIL**

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 07-11

Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205
Respondent

Re Violation Location: 2701 Business 41
Palmetto, Florida 34221

Legal Description: A PARCEL OF LAND LYING & BEING IN SEC 11, TWN 34S, RNG 17E BEING MORE PARTICULARLY DESC AS FOLLOWS: COM AT THE CENTER OF SEC 11, TWN 34S, RNG 17E (BASED ON THE OCCUPATION OF THE NE1/4 OF SD SEC 11) TH S 89 DEG 38 MIN 51 SEC E, ALG S LN OF S1/2 OF NE1/4 OF SD SEC 11, A DIST OF 1811.90 FT; TH LEAVING SD S LN N 00 DEG 10 MIN 07 SEC E, A DIST OF 409.90 FT; TH S 89 DEG 38 MIN 51 SEC E, A DIST OF 50.0 FT FOR A POB; SD PT LYING ON NLY R/W LN OF 26TH ST W (A 40 FT WIDE PUBLIC R/W); TH N 00 DEG 10 MIN 07 SEC E, A DIST OF 468.15 FT; TH S 89 DEG 38 MIN 51 SEC E, A DIST OF 590.69 FT TO A PT WHICH LIES ON WLY R/W LN OF U.S. 41 (SR 45) AS REC IN OR BK 255, PG 50, SD PT LIES ON A CURVE OF WHICH THE RADIUS LIES N 51 DEG 52 MIN 33 SEC W, A RADIAL DIST OF 1191.99 FT, TH SWLY ALG ARC THROUGH A C/A OF 13 DEG 29 MIN 07 SEC A DIST OF 280.55 FT; TH N 50 DEG 54 MIN 52 SEC W, LEAVING SD WLY R/W LN, A DIST OF 115.02 FT; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 250.37 FT; TH S 00 DEG 24 MIN 13 SEC W, A DIST OF 238.0 FT TO A PT LYING ON NLY R/W LN OF 26TH ST W AS REC IN AFOREMENTIONED OR BK 255, PG 50; TH S 89 DEG 05 MIN 11 SEC W, A DIST OF 71.03 FT; TH S 00 DEG 54 MIN 46 SEC E, A DIST OF 55.19 FT TO A PT WHICH LIES ON NLY R/W LN OF 26TH ST W; TH N 89 DEG 38 MIN 51 SEC W, ALG SD NLY R/W LN A DIST OF 38.23 FT TO POB. CONT 2.89 AC M/L. LESS MAINTAINED R/W; TOGETHER WITH AND SUBJ TO INGRESS/EGRESS EASMTS REC IN OR 2080/4694 DESC AS: COM AT THE CENTER OF SEC 11; TH S 89 DEG 38 MIN 51 SEC E, ALG THE S LN OF TH

Parcel ID #: 24222.0015/9

ADMINISTRATIVE ORDER

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on September 25, 2007, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent.

FINDINGS OF FACT:

1. The Code Enforcement Board of the City of Palmetto finds as a matter of fact that the Respondents' property contains untended growth of weeds and brush, and the silt fence surrounding this site is deteriorated.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. The Respondent has violated Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(3) and Section 16-27(a) & (b); and Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(b).

ORDER

The Respondents, Paul Ewing and Corey F. Babcock., are found in violation of the Palmetto Code of Ordinances as noticed and given until September 30, 2007, to comply with the Palmetto Code Of Ordinances cited above. If the aforementioned action is not taken by September 30, 2007, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondent is entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on October 30, 2007, to determine if the violation has been corrected. Administrative costs incurred by the city in the prosecution of this case in the amount of \$275.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien.**

A certified copy of this Administrative Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

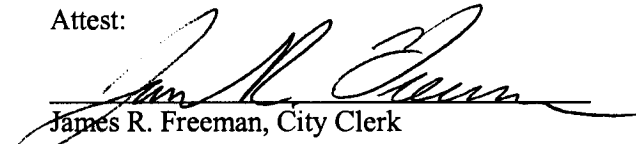
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 25th day of September, 2007.

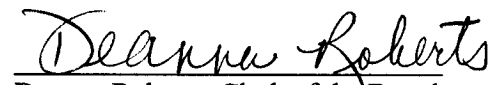
**CITY OF PALMETTO
CODE ENFORCEMENT BOARD**


Charles W. Leonard, Chairman

Attest:


James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Certified Mail/ Return Receipt Requested and by Regular Mail this 26th day of September, 2007,


Deanna Roberts, Clerk of the Board



516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
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Suncom: 516-0829
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**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF PALMETTO, FLORIDA**

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED
REGULAR MAIL**

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner

vs.

Case No. CEB 07-11

Paul Ewing
Corey F. Babcock
4109 Sandpointe Drive
Bradenton, Florida 34205
Respondents:

ORDER IMPOSING FINE AND LIEN

Violation Location: 2701 Business 41
Palmetto, Florida 34221

On October 30, 2007, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regards to the above Respondents. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondents were found in violation of the City of Palmetto Code of Ordinances at a hearing held on September 25, 2007. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

2. The Order required the Respondents to comply with the Palmetto Code of Ordinances, as cited, by September 30, 2007. The Order was sent to the Respondents by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on September 26, 2007.
3. The Respondents were notified in that Order that the Code Enforcement Board would hold a hearing on October 30, 2007, to determine whether the Respondents were in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for October 30, 2007, was posted at Palmetto City Hall.
4. At the October 30, 2007, Hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, testified that the Respondents had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated September 25, 2007.

CONCLUSIONS OF LAW

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 of the Code of Ordinances states that:
 - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation;
 - c. Any previous violations committed by the violator.
3. The prior Administrative Order of this Board, dated September 25, 2007, was not complied with by the date set forth in the Administrative Order.
4. The Respondents have not fully complied with the Board's prior Administrative Order. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

ORDER

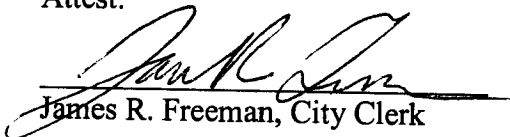
Based on the foregoing, the Code Enforcement Board imposes a fine of \$50.00 per day commencing September 30, 2007, and continuing until the violation is corrected. If the Respondent has not complied with this Order by November 29, 2007, a certified copy of this Order shall be recorded in the Public Records of Manatee County and any other county within the State of Florida where the Respondent has real or personal property and it shall thereafter constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue with interest accruing until the violator comes into compliance, or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: October 31, 2007



Charles W. Leonard, Chair
Code Enforcement Board

Attest:



James R. Freeman, City Clerk