

TAB 2



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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. 13-01

Estate of Donald M. Poe
1213 5th Street West
Palmetto, Florida 34221

Respondent

Violation Location: 1213 5th Street West, Palmetto, Florida

Legal Description: THAT PART OF THE E1/2 OF LOT 3, BLK 6, ANTHONY'S ADD; MORE PARTICULARLY DESC AS FOLLOWS: BEG AT THE NE COR OF SD LOT 3; TH S 00 DEG 02 MIN 34 SEC W ALG THE E LN OF SD LOT 3 A DIST OF 25.15 FT; TH N 00 DEG 02 MIN 34 SEC E, 33.10 FT; TH N 59 DEG 18 MIN 29 SEC W, 38.18 FT; TH N 00 DEG 02 MIN 34 SEC E, 57.98 FT; TH N 16 DEG 53 MIN 10 SEC W, 32.52 FT TO A PT ON SD N LN OF LOT 3; TH E ALG SD N LN A DIST OF 67.47 FT TO THE POB, (1364/0078) Township 34 South; Range 17 East, Section 14.

Parcel ID #: 27354.0010/9

ADMINISTRATIVE ORDER

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on February 26, 2013 at 6:00 p.m. at Palmetto City Hall after due notice to the Respondent.

FINDINGS OF FACT:

The Code Enforcement Board of the City of Palmetto finds as a matter of fact that:

- The above noted property is in a state of disrepair requiring the expertise of certified contractors in the fields of carpentry and pest control.
- Rotted fascia, trim and siding exist on the exterior of this house.
- Termite infestation is evident on the exterior surfaces of this house.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. Codes Violated: Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(4), and Section 16-27(a), (b), & (c); Chapter 17, Housing, Article II, Housing Standards, Section 17-28 Palmetto Property Maintenance Code; Section 304 Exterior Structure, Section 304.1 General; Section 304.2 Protective Treatment; Section 304.6 Exterior Walls; Section 308 Extermination, Section 308.1 Infestation:

ORDER

The Respondent, Estate of Donald M. Poe, is found in violation of the Palmetto Code of Ordinances as noticed, and the Board directs that the property be brought into compliance by March 22, 2013. If the aforementioned action is not taken by March 22, 2013, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date specified herein. The property owner is entitled to notice and an opportunity to be heard prior to a fine being assessed. Administrative costs incurred by the City in the prosecution of this case in the amount of \$459.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing. **A public hearing will be held on March 26, 2013 to determine if the violation has been corrected.**

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.

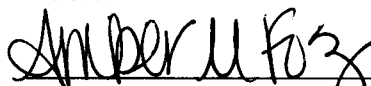
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 26th day of February, 2013.

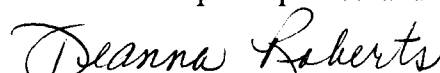
CITY OF PALMETTO
CODE ENFORCEMENT BOARD


Charles W. Leonard, Chair

Attest:


Amber Foley, Assistant City Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to Champion Mortgage by Regular Mail and Certified Mail/Return Receipt Requested and to the Respondent by posting on February 27, 2013.


Deanna Roberts, Clerk of the Board

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
FEBRUARY 26, 2013 CEB 13-01

Donald M. Poe, 1213 5th Street West, Palmetto, Florida 34221:

The property that is the subject of this public hearing is a vacant house located at 1213 5th Street West, PID 27354.0010/9, Township 34 South, Range 17 East, Section 14. The Respondent is deceased, but he is listed as the property owner by the Manatee County Property Appraiser's and the Manatee County Tax Collector's web sites. A review of the Manatee County Clerk of the Court's web site failed to identify any active foreclosures regarding this property.

For this case the Official Land Records were reviewed on the Clerk of the Court web site. The property deed was issued to Donald M. Poe and Joyce Adams Poe on April 9, 1999. A continuous marriage affidavit was recorded on April 3, 2007 affirming that Donald M. Poe is the owner of the property, and the Poes' remained married until the death of Joyce Poe on May 28, 2006. An adjustable rate, home equity conversion, second mortgage, also identified as an FHA reverse, second mortgage, was issued on March 26, 2007 for a maximum principal amount of \$382,500.00 by Academy Mortgage, LLC. The Mortgage Electronic Registration System recorded the reassignment of this mortgage to Champion Mortgage on December 3, 2012.

My notes from October 3, 2012 indicate this mortgage was transferred from Bank of America to Champion on September 26, 2012. Since that time I have been dealing with National Field Network, the property management company representing Champion Mortgage's interests.

This house has been vacant since a fire rendered it uninhabitable on October 3, 2008. Poe did not have insurance on the structure, and Bank of America, which held the reverse mortgage at that time, arranged for the repair of the fire damage to this structure. This property has presented continuing code enforcement issues since the fire.

Additional case background includes Donald M. Poe's arrest on May 3, 2011 for the armed robbery of the McDonalds on April 15, 2011. Following this arrest, Poe remained in custody until his death on September 8, 2011.

The current case was initiated on October 2, 2012 when the aluminum roof trim and soffit fell from the house due to the rotted, underlying wood. Verbal and written contact was established with the current bank funded property management company, National Field Network, on October 5, 2012. They were requested to make exterior repairs to the vacant house, replacing the wood rot and termite damage.

On November 10, 2012 I received an e-mail from Andrew Sugrim of National Field Network reporting he had forwarded two bids for repair to the bank. On December 19, 2012 the Notice of Violation was issued due to no efforts to repair the structure and no further contact from Andrew. A copy of the NOV was forwarded to National Field Network, and Mr. Sugrim confirmed forwarding this document to the bank on December 23, 2012. The NOV was posted on the

property and at City Hall when it was issued on December 19, 2012. It was also forwarded regular mail to the address of the violation; this was returned by USPS as a vacant house, no forwarding order.

Site visits continued through December 2012 and January 2013 with no improvements to the building, and on January 28, 2013 the Notice of Hearing scheduling this evening's public hearing was issued. The NOH was posted on the property and at City Hall, mailed regular service to the property address (we did not receive the returned NOV until February 1, 2013), and the NOV and NOH were forwarded via e-mail to National Field Network, all on January 28, 2013.

On February 12, 2013, we noted that a large tree that overhung the house had been trimmed back to the trunk, and the resulting tree limbs and brush were placed on the west side of the house. The loose vegetation remains there to date. This is the only change to the property since our initial contact with the property management company in October 2012.

Recommendations:

It is recommended this property be found in violation of City of Palmetto Code of Ordinances, and that the property be brought into compliance with these ordinances no later than March 22, 2013. It is recommended the City's cost for processing this case, totaling \$459.00, be assessed against the property at this time.

Administrative Costs:

Code Enforcement Officers	10.1 hours @ \$40.00/hour = \$ 404.00
Administrative Costs	1 hour @ \$35.00/hour = 35.00
Lien Filing Fees	= <u>20.00</u>
Total Costs	\$ 459.00