

TAB 3

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



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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.

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

Case No. CEB 13-01

ORDER IMPOSING FINE AND LIEN

Violation Location: 1213 5th Street West
Palmetto, Florida 34221

On February 26, 2013, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regard to the above Respondent. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondent was found in violation of the City of Palmetto Code of Ordinances at a hearing held on February 26, 2013. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".
2. The Order required the Respondent to comply with the Palmetto Code of Ordinances, as cited, by March 22, 2013. The Order was sent to Champion Mortgage by Regular U.S.

Mail and Certified Mail/Return Receipt Requested on February 27, 2013, and to the Estate of Donald M. Poe by posting on February 27, 2013.

3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on March 26, 2013, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine.
4. At the March 26, 2013 hearing, the City of Palmetto Code Enforcement Director Bill Strollo, testified that the Respondent had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated February 26, 2013.

CONCLUSIONS OF LAW

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 (2) of the Code of Ordinances states that:

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 February 26, 2013 was not complied with by the date set forth in the Administrative Order.
 4. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

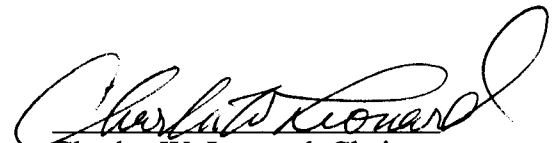
ORDER

Based on the foregoing, the Code Enforcement Board moved to require that the building be inspected within ten (10) days by a Florida licensed termite inspector, and, failing a clear termite report, to provide proof of treatment within thirty (30) days. If the aforementioned action is not taken in the time specified, a fine of \$50.00 per day will be imposed commencing March 26, 2013 and continuing until the required action is taken. A certified copy of this Order shall be

Estate of Donald M. Poe
Order Imposing Fine
March 26, 2013
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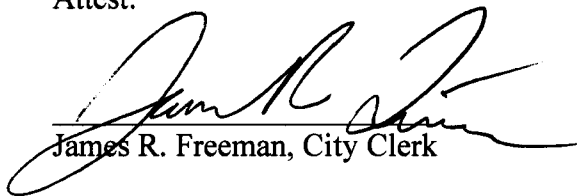
recorded in the Public Records of Manatee County and any other county within the state of Florida where the Respondent has real or personal property, and it shall thereafter constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court by the City, such 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: March 26, 2013



Charles W. Leonard, Chair
Code Enforcement Board

Attest:



James R. Freeman, City Clerk