

TAB 4

**POINT PAPER**  
**CITY OF PALMETTO COMMISSION MEETING**  
**NOVEMBER 17, 2008**

**Problem:** Code Enforcement liens totaling more than \$11, 500.00 have been filed against Ruth Russo the former owner of the residential property located at 1809 9<sup>th</sup> Street West, PI# 28857.0005/0. The Petitioner before Commission this evening, John A. Wilson, foreclosed on this property and holds current title to the property as of October 24, 2008. Ruth Russo vacated the premises by eviction effective October 29, 2008.

The Code Enforcement lien remains against PI# 28857.000/5 which is now the property of Mr. Wilson. Upon taking over ownership of the property, Mr. Wilson has proceeded to actively rehabilitate the property and house to maintain compliance with City ordinances. Since he was not the subject of the code enforcement actions, he is requesting Commission consider reducing the amount of the lien currently recorded against this Parcel ID.

**Background:** Two code enforcement cases were processed against Ruth Russo for violations regarding her home at 1809 9<sup>th</sup> Street West, Palmetto, Florida. **CEB 07-14** involved overgrown property and an abandoned vehicle at the residence. On October 30, 2007 the City of Palmetto Code Enforcement Board found Ms. Russo in violation of City ordinances, assessed her \$315.00 in administrative costs and gave her until November 4, 2007 to bring her property into compliance. On November 27, 2007 the Code Enforcement Board fined Ruth Russo \$25.00 per day commencing November 4, 2007 and increasing to \$50.00 per day effective December 15, 2007 until the violations were corrected. Ruth Russo corrected the violations effective April 28, 2008. *(Please refer to the Notice of Violation dated October 8, 2007, the Administrative Order dated October 31, 2007, the Order Imposing Fine and Lien dated November 28, 2007 and the Report of Compliance effective April 28, 2008.)*

**CEB 08-08** also cites Ruth Russo with overgrown property, and as a repeat violator she was scheduled for a hearing before the Code Enforcement Board for the purposes of correcting the violation and imposing a fine. On August 26, 2008 The Board fined Ms. Russo \$100.00 per day commencing August 8, 2008 until the violations were corrected. Ruth Russo brought the property into compliance effective September 5, 2008. *(Please refer to the Notice of Violation dated August 8, 2008, the Administrative Order dated August 26, 2008 and the Report of Compliance effective September 5, 2008.)*

On October 29, 2008 Code Enforcement was contacted by John A. Wilson who stated he had taken possession of the property at 1809 9<sup>th</sup> Street West through foreclosure, and he was in the process of returning the house and property to an acceptable appearance. *(Please refer to the Certificate of Title dated October 24, 2008.)* He appeared before City Commission during the public comment portion of the November 3, 2008 meeting and requested a reduction of the lien amount on his property at 1809 9<sup>th</sup> Street West.

**Alternatives:** Approve a reduction of the lien on John A. Wilson's property at 1809 9<sup>th</sup> Street West, Palmetto, Florida, PI# 28857.0005/0, or take no action.

**Recommendation:** Staff recommends a reduction in the fines assessed against this property. The current owner, John A. Wilson, was not the subject of the Code Enforcement Board action in either CEB 07-14 or CEB 08-08, and upon his taking title to the property he has commenced an extensive rehabilitation of the house and property. However, considerable City staff time has been involved prosecuting these two cases, and it is recommended that at a minimum \$ 1,300.00 be assessed against Mr. Wilson to cover City expenses.

**Budget Impact:** If City staff costs are recovered as noted in the **Recommendation** there are no anticipated additional costs to the City.

# City Of Palmetto

P.O. Box 1209, 516 8th Avenue West  
Palmetto, FL 34220-1209  
Attn: Cheryl A. Miller

Ruth Russo  
1809 9th Street West  
Palmetto, FL 34221

ACCOUNT NO: 480  
STATEMENT DATE: 11/01/08  
PAGE NO: 1

| INVOICE   | DATE     | DESCRIPTION       | PREV BALANCE | APPLIED | BALANCE DUE |
|-----------|----------|-------------------|--------------|---------|-------------|
| 407053346 | 12/19/07 | CEB 7-14          | 356.00       | .00     | 356.00      |
| 407053407 | 01/11/08 | Order Imposing Fi | 2,440.00     | .00     | 2,440.00    |
| 407053452 | 01/31/08 | FINANCE CHARGE    | 2.67         | .00     | 2.67        |
| 407053505 | 02/29/08 | FINANCE CHARGE    | 20.97        | .00     | 20.97       |
| 407053562 | 03/31/08 | FINANCE CHARGE    | 20.97        | .00     | 20.97       |
| 407053619 | 04/30/08 | FINANCE CHARGE    | 20.97        | .00     | 20.97       |
| 407053624 | 05/05/08 | Complied 4-30-08  | 5,550.00     | .00     | 5,550.00    |
| 407053668 | 05/31/08 | FINANCE CHARGE    | 20.97        | .00     | 20.97       |
| 407053728 | 06/30/08 | FINANCE CHARGE    | 62.60        | .00     | 62.60       |
| 407053801 | 07/31/08 | FINANCE CHARGE    | 62.60        | .00     | 62.60       |
| 407053871 | 08/31/08 | FINANCE CHARGE    | 62.60        | .00     | 62.60       |
| 407053884 | 09/15/08 | CEB 08-08         | 2,750.50     | .00     | 2,750.50    |
| 407053937 | 10/01/08 | FINANCE CHARGE    | 76.78        | .00     | 76.78       |
| 407053977 | 10/31/08 | FINANCE CHARGE    | 102.09       | .00     | 102.09      |

| CURRENT  | 10 DAYS | 50 DAYS | 90 DAYS  | TOTAL DUE |
|----------|---------|---------|----------|-----------|
| 2,852.39 | 76.78   | 62.60   | 8,557.75 | 11,549.72 |

PLEASE RETURN THIS PORTION WITH PAYMENT

|                                    |                         |
|------------------------------------|-------------------------|
| ACCOUNT NUMBER: 480                | INDICATE INVOICES PAID: |
| Ruth Russo                         | 407053346 356.00        |
| 1809 9th Street West               | 407053407 2,440.00      |
| Palmetto, FL 34221                 | 407053452 2.67          |
|                                    | 407053505 20.97         |
|                                    | 407053562 20.97         |
| REMIT TO:                          | 407053619 20.97         |
| City Of Palmetto                   | 407053624 5,550.00      |
| P.O. Box 1209, 516 8th Avenue West | 407053668 20.97         |
| Palmetto, FL 34220-1209            | 407053728 62.60         |
|                                    | 407053801 62.60         |
| TOTAL DUE: 11,549.72               | 407053871 62.60         |
|                                    | 407053884 2,750.50      |
| AMOUNT PAID: _____                 | 407053937 76.78         |
|                                    | 407053977 102.09        |

City Costs - Russo (Wilson) CEB 07-14 + 08-08

07-14

\$ 315

07-14

489

08-08

477.50

\$ 1,281.50

Ruth Russo, 809 9<sup>th</sup> St. W.

CEB 07-14

|        |   |   |                    |
|--------|---|---|--------------------|
| 9/4/07 | T | from complainant                                    |                    |
| 9/5    | H | Site inspection                                     | 15 mins            |
| 9/12   | H | Site inspection                                     | 15 mins            |
| 9/13   | C | C/S Review - utility bill in owner's name + cabinet |                    |
|        | L | Letter to homeowner                                 | 30 mins            |
| 9/18   | H | Site inspection                                     | 30 mins - Pictures |
| 9/21   | T | from complainant                                    |                    |
| 9/24   | H | Site inspection @ Jeff                              | 30 mins            |
| 9/26   | H | Site inspection                                     | 15 mins            |
| 10/4   | H | Site inspection                                     |                    |
| 10/8   | L | Notice of Violation                                 | 120 mins           |
|        | H | Site inspection                                     | 15 mins            |
| 10/11  | H | Site inspection                                     | 15 mins            |
| 10/15  |   | NOH   |                    |
| 10/17  |   | Point Paper   | 120 mins           |

6 hrs, 45 mins - 7 hours

case, plus any applicable recording fees, be assessed against the respondent.

**Total Costs To City as of October 17, 2007:**

Code Enforcement Officers

Seven hours @ \$40.00/hour = **\$280.00**

Administration Costs

One hour @ \$35.00/hour = **\$ 35.00**

**Total Costs**

**\$315.00**

Russo (Wilson) 1809 9<sup>th</sup> St. W.

\$ 315.00 through 10/17/07 (CEB 07-14)

|                |  |         |
|----------------|--|---------|
| OCT. 22, 2007  | Site inspection                                | 15 mins |
| OCT. 30        | Site inspection                                | 15 mins |
| OCT. 30        | CEB 07-14 CASE PRESENTATION                    | 30 mins |
|                | (ATTORNEY \$160/HR x .50 HRS = \$80)           |         |
|                | (ADMIN ASST. \$35/HR x 1.50 HRS = \$52.50) A/C |         |
| NOV. 5, 2007   | Site inspection                                | 15 mins |
| NOV. 7, 2007   | Site inspection                                | 15 mins |
| NOV. 21, 2007  | Site inspection                                | 15 mins |
| NOV. 26, 2007  | Site inspection                                | 15 mins |
| NOV. 27, 2007  | CEB 07-14 CASE PRESENTATION                    | 30 mins |
|                | (ATTORNEY \$160/HR x .50 HRS = \$80)           |         |
|                | (ADMIN ASST. \$35/HR x 1.50 HRS = \$52.50) OIF |         |
| NOV. 28, 2007  | Site inspection. OIF (POSTED)                  | 20 mins |
| DEC. 10, 2007  | Site inspection                                | 15 mins |
| DEC. 17, 2007  | Site inspection                                | 15 mins |
| JAN. 4, 2008   | Site inspection                                | 15 mins |
| JAN. 18, 2008  | Site inspection                                | 15 mins |
| FEB. 5, 2008   | Site inspection                                | 15 mins |
| FEB. 15, 2008  | Site inspection                                | 15 mins |
| MARCH 6, 2008  | Site inspection                                | 15 mins |
| MARCH 31, 2008 | Site inspection                                | 15 mins |
| April 15, 2008 | Site inspection                                | 15 mins |
| MAY 1, 2008    | Site inspection / Report of Compliance         | 30 mins |

335 =

CEO Hour -  $5.6 \times \$40/HR = 224$  }  
 ATT. FEES } \$489

5.6 Hours



Russo (Wilson) 1809 9<sup>th</sup> ST. W (CEB 08-08)

|               |   |         |
|---------------|---|---------|
| Aug 7, 2008   | Site inspection                             | 15 mins |
| Aug 8, 2008   | Notice of Violation                         | 90 mins |
| Aug 8, 2008   | Site inspection / Property posted           | 20 mins |
| Aug. 11, 2008 | Site inspection                             | 15 mins |
| Aug. 12, 2008 | NOH Posted on property                      | 20 mins |
|               | (Admin Asst - 1 HR @ \$35/HR = \$35)        |         |
| Aug. 14, 2008 | Site inspection                             | 15 mins |
| Aug. 20, 2008 | Site inspection                             | 15 mins |
| Aug. 25, 2008 | Site inspection                             | 15 mins |
| Aug. 26, 2008 | Site inspection                             | 15 mins |
| Aug. 26, 2008 | CEB 08.08 Case Presentation                 | 30 mins |
|               | (Attorney \$100/HR x .5 HRS = \$50)         |         |
|               | (Admin Asst \$35/HR x 1.5 HRS = \$52.50) AO |         |
| Aug. 28, 2008 | AO Posted, Site inspection                  | 20 mins |
| SEPT. 5, 2008 | Site inspection, Report of Compliance       | 30 mins |

(Wilson)

|               |                 |                     |
|---------------|-----------------|---------------------|
| Oct. 29, 2008 | Site inspection | 15 mins             |
| Oct. 30, 2008 | Site inspection | 15 mins             |
| Nov. 3, 2008  | R @ Tom Wilson  | 15 mins             |
| Nov. 6, 2008  | Point Paper     | 120 mins            |
|               |                 | <u>465</u> 7.75 HRS |

CEO Hours - 7.75 HRS x \$40/HR = \$310  
 Att. Rates 80  
 Admin Asst 87.50  
\$477.50

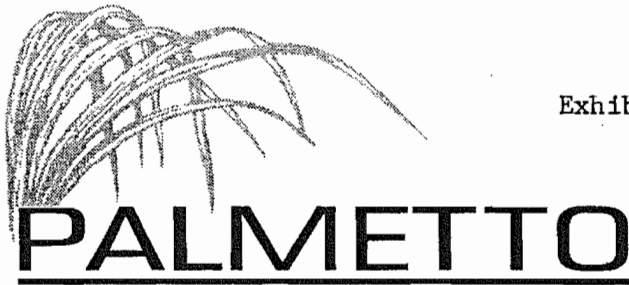


Exhibit "A"

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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

## CODE ENFORCEMENT

### NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
CERTIFIED MAIL NO.7006 0100 0006 2638 6924 AND REGULAR MAIL

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

**RE: City of Palmetto, Petitioner, v. Ruth Russo**

**Address of Violation: 1809 9<sup>th</sup> Street West, Palmetto, Florida 34221.**  
**Legal Description: LOTS 5 AND 6, BLK 5, LESS TH S 100 FT N A**  
**REYNOLD'S RESUB (1558/4498) PI#28857.0005/0**

Dear Ruth Russo:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of the City Code, and upon inspection by the undersigned, it has been determined that a violation of the City Code is occurring at the above-referenced property. The Code provisions that are in violation and the nature of the violations are as follows:

Palmetto Code of Ordinances, Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(2), Section 16-26(3) and Section 16-27(a) & (b); Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(a); and Chapter 18, Junked, Wrecked Abandoned Property, Section 18-1, Section 18-3.

- Chapter 16, Sec. 16-26. Nuisances defined.
- Chapter 16, Sec. 16-26(2). The accumulation or maintenance of trash, filth or rubbish that is likely to adversely affect and impair the economic welfare of adjacent property.
- Chapter 16, Sec. 16-26(3). The existence of excessive accumulation or untended growth of weeds and undergrowth or other dead or living plant life that is likely to adversely affect and impair the economic welfare of adjacent property.
- Chapter 16, Sec. 16-27(a) & (b). Nuisances are prohibited and may be enforced against any violator.
- Chapter 7, Sec. 7-243. Requirements for sites: (a) Landscaping.

- Chapter 18, Sec. 18-1. Abandoned motor vehicle defined.
- Chapter 18, Sec. 18-3. Abandoned motor vehicles declared nuisances.

**DESCRIPTION OF VIOLATION:**

- The above noted property contains untended growth of weeds, brush and debris including yard waste and uncollected weekly newspapers.
- An unregistered, white Ford Escort is parked in the carport, partially covered by a tarp.

**TO REMEDY THESE VIOLATIONS**, you must accomplish the following action within five (5) days of receipt of this Notice. The corrective action necessary is as follows:

- You must mow and trim the lawn and remove the vegetative overgrowth, yard waste and debris from the property.
- You must register the white Ford Escort or remove it from the premises.

**THIS IS NOTICE** that a failure to accomplish corrective action and remedy the violations above within the time provided will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations may be punishable by a fine not to exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and a fine not to exceed Five Hundred Dollars (\$500.00) per day for a repeat violation, in addition to and including, all costs incurred by the City as a result of such enforcement action.

If you have any specific questions regarding the violations please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 105.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

**DATED**, this 8<sup>th</sup> day of October 2007

**CITY OF PALMETTO, FLORIDA**

*B. Stollo*

---

Bill Stollo  
Code Enforcement Director

**POINT PAPER**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**OCTOBER 30, 2007**

**Ruth Russo, 1809 9<sup>th</sup> Street West, Palmetto, Florida:**

The property that is the subject of this code enforcement action is located at 1809 9<sup>th</sup> Street West, Palmetto, Florida, Parcel ID # 2885700050.

The Respondent, Ruth Russo, is identified as the owner of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites.

Anonymous community complaints were received regarding the condition of this property on 9<sup>th</sup> Street West; complaints included overgrown yards with debris. A site inspection was conducted on September 5, 2007, and a Notice of Opportunity to Correct was left at the residence requesting the owner mow and trim the property and pick-up the old newspapers from the driveway. A follow-up visit on September 12, 2007 revealed no improvement in the condition of the property. In addition, a white Ford Escort LX was parked in the driveway; the vehicle lacked a registration tag, and an abandoned sticker subsequently was affixed to the windshield directing the owner to remove the vehicle from the property or place it in an enclosed building.

On September 13, 2007, a letter was written to Ms. Russo requesting that she mow and trim her property. On September 18, 24 and 26, 2007 and October 4, 2007 site inspections were conducted that revealed the property continued to be overgrown, and the abandoned vehicle remained in the Respondent's driveway. A Notice of Violation was forwarded to the Respondent on October 8, 2007 charging the following violations of the City of Palmetto Code of Ordinances:

**Chapter 16 HEALTH AND SANITATION, Article II Nuisances, Section 16-26(3).**

**Section 16-26. Definition, enumeration of unlawful conditions or acts.** Every condition, substance or activity within the city which exists or occurs in such manner and to such extent as to threaten or endanger the public health, safety or welfare, or adversely affect and impair the economic welfare of adjacent property, is hereby declared to be a nuisance. Without in any way limiting the foregoing definition, the following conditions, substances and activities are hereby specifically declared to be a nuisance within the intent and meaning of this section:

**(2)** The accumulation or maintenance of trash, filth, rubbish, garbage, dead animals or fish, improperly treated sewage or other materials in such manner and to the extent as to cause infestation by rodents and other wild animals, the breeding of mosquitoes and vermin, or that threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.

**(3)** The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life upon any body of water, lot, tract or parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers

the public health, safety or welfare, or may reasonably cause disease, or is likely to adversely affect and impair the economic welfare of adjacent property.

**Section 16-27. Prohibition and enforcement.** (a) Nuisances are hereby prohibited. It shall be unlawful for any person to cause such nuisance to come into existence anywhere within the city, or to permit the same to exist on property owned, leased, occupied or otherwise under the control of such person. (b) This article may be enforced against any violator, which may include the owner of the premises on which a nuisance exists or the person or persons generating the nuisance.

**Chapter 7 BUILDINGS AND BUILDING REGULATIONS, ARTICLE XI. Minimum Maintenance Standards and Guidelines, Section 7-243. Requirements for sites.** (a) *Landscaping.* All areas (front, side and rear yards) shall be kept free of overgrowth, weeds, trash and debris. All dead tree limbs and dead trees shall be removed.

**Chapter 18 JUNKED, WRECKED, ABANDONED PROPERTY, Section 18-1.**

**Definitions. Abandoned motor vehicle or vessel:** A motor vehicle or vessel in a wrecked, inoperative or partially dismantled condition and which has an identifiable owner and has been disposed of on either public or private property within the city, or which has no identifiable owner and has been disposed of on private property within the city. Specifically excluded from this definition is a motor vehicle or vessel that has no identifiable owner or owners and has been disposed of on public property in a wrecked, inoperative or partially dismantled condition, as such property is governed under Chapter 705, Florida Statutes. Further, the absence of a license plate for the current year or the absence of a current motor vehicle or vessel registration shall be prima facie evidence that such vehicle or vessel is abandoned. The presence of a current license plate or registration shall not, in and of itself, exempt any motor vehicle or vessel from this definition or the provisions of this chapter.

**Section 18-3. Abandoned personal property, motor vehicles and vessels declared nuisances; disposal.** All abandoned property as well as abandoned motor vehicles and vessels are hereby declared to be a public nuisance and shall be disposed of in the manner set forth herein.

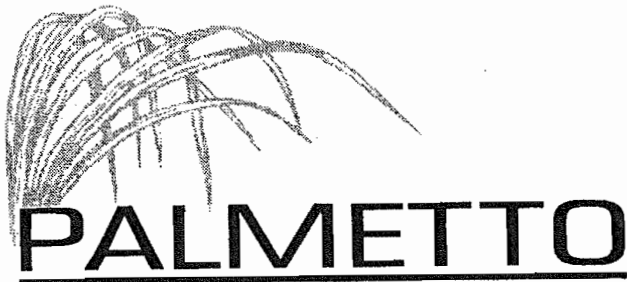
Site inspections were conducted on October 8 and 11, 2007. Conditions remained unimproved, and a Notice of Hearing was forwarded to the Respondent, Ruth Russo, on October 15, 2007. (*Proofs of Service of the Notice of Violation and the Notice of Hearing/Assessment of Fine are submitted for the record.*)

**Recommendation:**

It is recommended the Respondent be found in violation of City of Palmetto Code of Ordinances, and that she be directed to bring her property into compliance within five (5) days. It is further recommended that the City's administrative costs for processing this case, plus any applicable recording fees, be assessed against the Respondent.

**Total Costs To City as of October 17, 2007:**

|                           |  |
|---------------------------|--|
| Code Enforcement Officers | Seven hours @ \$40.00/hour = <b>\$280.00</b> |
| Administration Costs      | One hour @ \$35.00/hour = <b>\$ 35.00</b>    |
| <b>Total Costs</b>        | <b>\$315.00</b>                              |



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

November 2, 2007

Ms. Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

Dear Ms. Russo:

The enclosed Administrative Order reflects the Order handed down by the Code Enforcement Board at its October 30, 2007, meeting. The costs assessed, plus any applicable recording fees, will constitute a lien on the property once the Order is recorded; however, if you pay within thirty (30) days, or by November 29, 2007, the City will not record the lien. Costs assessed total \$315.00.

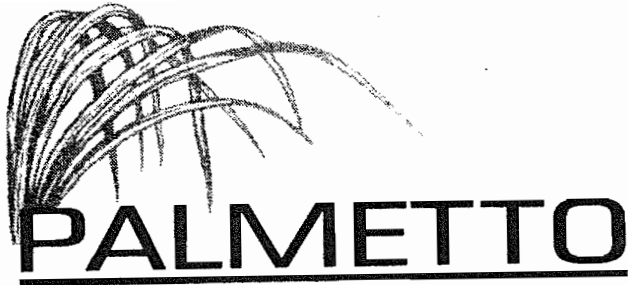
Please contact Bill Strollo, Code Enforcement Director, at 723-4570 if you have any questions.

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



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://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 07-14**

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221  
**Respondent**

**Re Violation Location:** 1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

**Legal Description:** LOTS 5 AND 6, BLK 5, LESS TH S 100 FT N A REYNOLD'S RESUB  
(1558/4498)

**Parcel ID #:** 28857.0005/0

**ADMINISTRATIVE ORDER**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on October 30, 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 Respondent's property contains untended growth of weeds, brush and debris, including yard waste and uncollected weekly newspapers. An unregistered white Ford Escort is parked in the carport, partially covered by a tarp.

**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(2), Section 16-26(3) and Section 16-27(a) & (b); Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(a); and Chapter 18, Junked, Wrecked Abandoned Property, Section 18-1, Section 18-3.

**ORDER**

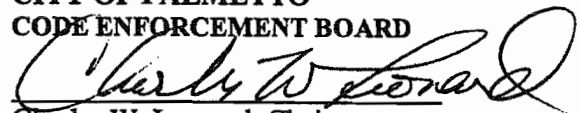
The Respondent, Ruth Russo, is found in violation of the Palmetto Code of Ordinances as noticed and given until November 4, 2007, to comply with the Palmetto Code of Ordinances cited above. If the aforementioned action is not taken by November 4, 2007, a fine of up to \$250.00 per day may be imposed 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 November 27, 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 \$315.00, 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 31<sup>st</sup> day of October, 2007.

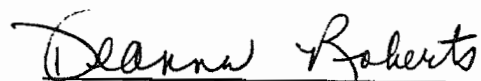
**CITY OF PALMETTO  
CODE ENFORCEMENT BOARD**

  
Charles W. Leonard, Chairman

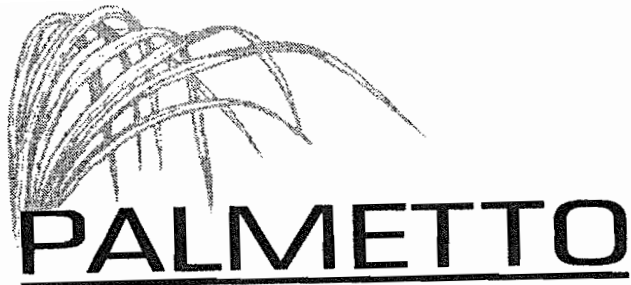
Attest:

  
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 31<sup>st</sup> day of October, 2007.

  
Deanna Roberts, Clerk of the Board





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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

November 29, 2007

Ms. Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

Dear Ms. Russo:

The enclosed Order Imposing Fine reflects the Order handed down by the Code Enforcement Board at its November 27, 2007 meeting. The fine assessed, plus any applicable recording fees, will constitute a lien on the property once the Order is recorded; however, if you pay within thirty (30) days, or by December 27, 2007, the City will not record the lien.

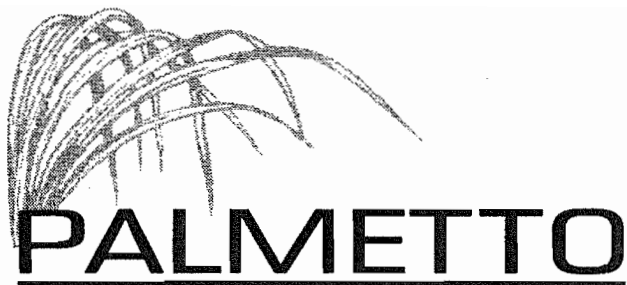
Please contact Bill Strollo, Code Enforcement Director, at 723-4570 if you have any questions.

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



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://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 07-14**

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221  
**Respondents:**

**ORDER IMPOSING FINE AND LIEN**

**Violation Location:** 1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

On November 27, 2007, 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 October 30, 2007. 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 November 4, 2007. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on October 31, 2007.
3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on November 27, 2007, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board hearing scheduled for November 27, 2007, was posted at Palmetto City Hall.
4. At the November 27, 2007, 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 October 31, 2007.

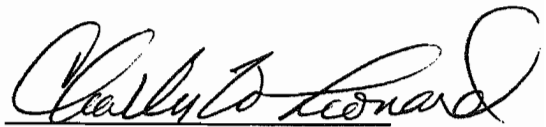
### **CONCLUSIONS OF LAW**

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 October 31, 2007, 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

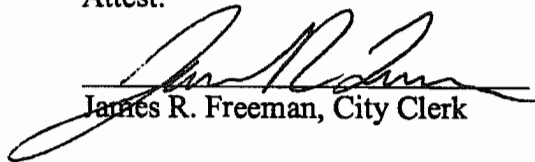
Based on the foregoing, the Code Enforcement Board imposes a fine of \$25.00 per day commencing November 4, 2007, and continuing until the violation is corrected, or until December 15, 2007, when the fine will be increased to \$50.00 per day and continuing until the violation is corrected. If the Respondent has not complied with this Order by December 27, 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: November 28, 2007



Charles W. Leonard, Chair  
Code Enforcement Board

Attest:



James R. Freeman, City Clerk



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

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

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

**Case No. CEB – 07-14**

**Respondent.**

**REPORT OF COMPLIANCE**

This is notice that pursuant to the Administrative Order of the Code Enforcement Board of the City of Palmetto dated October 31, 2007, and the Order Imposing Fine and Lien issued by the Code Enforcement Board of the City of Palmetto dated November 28, 2007, the violation of the Palmetto City Code in this matter was corrected effective April 28, 2008.

---

Director, Code Enforcement

cc: (property owner)



"EXHIBIT A"

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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

**CODE ENFORCEMENT**

**NOTICE OF VIOLATION**

CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
CERTIFIED MAIL NO. 7008 0150 0002 2794 5905 AND REGULAR MAIL

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

**RE: City of Palmetto, Petitioner, v. Ruth Russo**

**Address of Violation: 1809 9<sup>th</sup> Street West, Palmetto, Florida**

**Legal Description: LOTS 5 AND 6, BLK 5, LESS TH S 100 FT N A  
REYNOLD'S RESUB (1558/4498) PI#28857.0005/0. Township 34S, Range 17E,  
Section 15.**

Dear Ruth Russo:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of the City Code, and upon inspection by the undersigned, it has been determined that a violation of the City Code is occurring at the above-referenced property. The Code provisions that are in violation and the nature of the violations are as follows:

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(a).

- Sec. 16-26. Definition of nuisance and enumeration of unlawful conditions.
- Sec. 16-26(3). The existence of excessive accumulation or untended growth of weeds.
- Sec. 16-27(a). Nuisances are hereby prohibited.
- Sec. 16-27(b). This article may be enforced against any violator.
- Sec. 7-243(a). All areas shall be kept free of overgrowth, weeds, trash and debris.

**DESCRIPTION OF VIOLATION:**

- Grass and weeds are overgrown in the yards of this house.

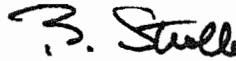
**THIS IS NOTICE** that as a repeat violation your case will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations may be punishable by a fine not to exceed Five Hundred Dollars (\$500.00) per day for a repeat violation, in addition to and including, all costs incurred by the City as a result of such enforcement action.

If you have any specific questions regarding the violations please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 105.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

**DATED**, this 8<sup>th</sup> day of August 2008

**CITY OF PALMETTO, FLORIDA**



---

Bill Stollo  
Code Enforcement Director

**POINT PAPER CEB 08-08**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**AUGUST 26, 2008**

**Ruth Russo, 1809 9<sup>th</sup> Street West, Palmetto, Florida:**

The property that is the subject of this code enforcement action is located at 1809 9<sup>th</sup> Street West, Palmetto, Florida, Parcel ID # 28857.0005/0.

The Respondent, Ruth Russo, is identified as the owner of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites.

A prior code enforcement case involving the respondent, CEB 07-14, was presented to the City of Palmetto Code Enforcement Board for public hearings on October 30, 2007 and November 27, 2007. The Board found the Respondent in violation of City ordinances, and Ruth Russo was assessed \$315.00 in administrative costs and fined \$25.00 per day commencing November 4, 2007 and \$50.00 per day commencing December 15, 2007. The Respondent brought the property into compliance effective April 28, 2008. Total costs and fines assessed against Ruth Russo on CEB 07-14 totaled \$8,140.00 not including monthly interest charges. These costs and fines have been filed as a lien against the Respondent.

On August 7, 2008, I observed the Respondent's property was severely overgrown again, and a Notice of Violation charging Ruth Russo as a repeat violator was issued on August 8, 2008. Florida Statutes, Chapter 162, Section 162.04 Definitions, subsection (5) defines repeat violation as a violation of a provision of a code or ordinance by a person who has been found through a code enforcement board to have violated the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

City codes violated in the current case included Chapter 16, Article II, Nuisances, Sec. 16-26. Definition, enumeration of unlawful conditions or acts; Section 16-26(3) the existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life upon any parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or is likely to adversely affect and impair the economic welfare of adjacent property.

Section 16-27(a) Nuisances are hereby prohibited. It shall be unlawful for any person to cause such nuisance to come into existence anywhere within the city, or to permit the same to exist on property owned, leased, occupied or otherwise under the control of such



person. Subsection (b), this article may be enforced against any violator, which may include the owner of the premises or the person generating the nuisance.

Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243, Requirements for sites:

a) *Landscaping.* All areas (front, side and rear yards) shall be kept free of overgrowth, weeds, trash and debris. All dead tree limbs and dead trees shall be removed.

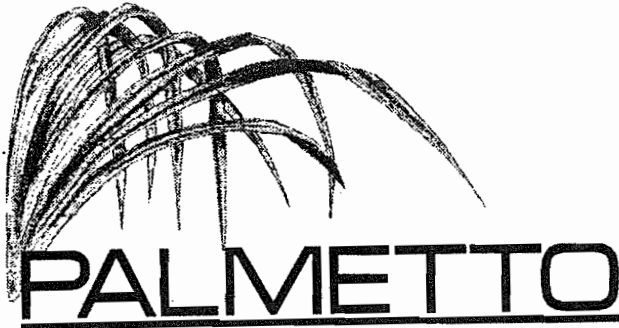
The Notice of Violation was mailed certified and regular mail on August 8, 2008; in addition, the Notice was posted at City Hall and at 1809 9<sup>th</sup> Street West, Palmetto, Florida on August 8, 2008. US Postal Authorities report the Notice of Violation was unclaimed by the Respondent as of August 22, 2008.

The Notice of Hearing/Assessment of Fine dated August 12, 2008 was mailed certified and regular mail to Ms. Russo on August 13, 2008. In addition, the Notice was posted at City Hall on August 12, 2008 and at 1809 9<sup>th</sup> Street West, Palmetto, Florida on August 14, 2008. US Postal Authorities report the Notice of Violation was unclaimed by the Respondent as of August 22, 2008. *(Proofs of service of the Notice of Violation and the Notice of Hearing/Assessment of Fine, including Affidavits of Posting of both documents, are submitted for the record.)*

A site visit on August 11, 2008 revealed the front yard of this property to be in compliance; however, the back yard remains overgrown to this date.

**Recommendation:**

It is recommended the Respondent be found in violation of City of Palmetto Code of Ordinances as a repeat violator; it is further recommended that the Code Enforcement Board fine the Respondent for this period of time the property has not been in compliance.



516 8th Avenue West  
P.O. Box 1209  
Palmetto, Florida 34220-1209  
Phone (941) 723-4570 Suncom 599-4570  
Fax (941) 723-4576

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

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

**Case No. CEB 08-08**

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, FL 34221

Respondent. /

**Re Property of:** Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, FL 34221

**Legal Description:** LOTS 5 AND 6, BLK 5, LESS TH S 100 FT N A REYNOLD'S  
RESUB (1558/4498) Township 34S, Range 17E, Section 15.

**Parcel ID #:** 28857.0005/0

**ADMINISTRATIVE ORDER**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on August 26, 2008, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

**FINDINGS OF FACT:**

1. The property, which is the subject of this Code Enforcement action, is located at 1809 9<sup>th</sup> Street West, Palmetto, Florida.
2. The Respondent, Ruth Russo, is the owner of the subject property and has been given proper notice of the hearing.
3. There exists on the Respondent's property located at 1809 9<sup>th</sup> Street West, an overgrowth of grass and weeds.

**CONCLUSIONS OF LAW:**

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. This is a repeat violation as that term is used under Chapter 162, Florida Statutes, and under the Code of Ordinances of the City of Palmetto.
3. 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(a).

**ORDER**

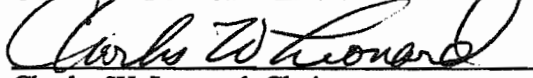
The Respondent, Ruth Russo, is found in violation of the Palmetto Code of Ordinances as noticed. A fine of \$100.00 per day is hereby imposed commencing August 8, 2008, and continuing until the violation is corrected. Upon recording, such costs shall constitute a lien on the property. **Costs assessed pursuant to this Order shall continue with interest accruing.**

A certified copy of this Administrative Order shall 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.

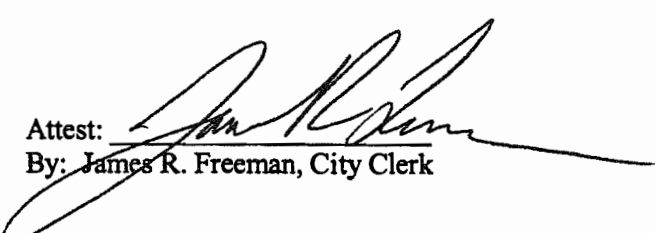
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 26<sup>th</sup> day of August, 2008.

**CITY OF PALMETTO  
CODE ENFORCEMENT BOARD**

  
Charles W. Leonard, Chairman

Attest:

  
By: James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished the Respondent by Certified Mail/ Return/Receipt Requested and by Regular Mail this 27<sup>th</sup> day of August, 2008.

  
Deanna Roberts, Code Enforcement Board Clerk



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://www.palmettofl.org)

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

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Ruth Russo  
1809 9<sup>th</sup> Street West  
Palmetto, Florida 34221

**Case No. CEB – 08-08**

**Respondent.**

**REPORT OF COMPLIANCE**

This is notice that pursuant to the Administrative Order of the Code Enforcement Board of the City of Palmetto dated August 26, 2008 the violation of the Palmetto City Code in this matter was corrected effective September 5, 2008.

*B. Stolle*

\_\_\_\_\_  
Director, Code Enforcement

cc: (property owner)



FCCI SERVICES, INC.  
FCCI INSURANCE COMPANY  
FCCI ADVANTAGE INSURANCE COMPANY  
NATIONAL TRUST INSURANCE COMPANY  
FCCI COMMERCIAL INSURANCE COMPANY  
MONROE GUARANTY INSURANCE COMPANY

6300 UNIVERSITY PARKWAY  
SARASOTA FL 34240-8424  
941-907-3224 | 800-226-3224  
[www.fcci-group.com](http://www.fcci-group.com)

## Fax Transmittal

From: Name: Ruth Russo  
Fax Number:  
Voice Phone:

To: Name: 7234576  
Company:  
Fax Number: 7234576  
Voice Phone:

Fax Notes:

---

---

Date and time of transmission: 11/3/2008 9:04:18 AM  
Number of pages including this cover sheet: 3

---

*The information contained in this communication is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this communication is strictly prohibited.*

*If you have received this communication in error, please notify us immediately by telephone, collect, and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for the postage. Thank you.*

**FAX**

DATE: November 3, 2008

TO: Jessica  
City of Palmetto 723-4576

FROM: Ruth Russo 907-7559 (work phone)  
Formerly of 1809 9<sup>th</sup> St. W. Palmetto

SUBJECT: Discontinuing Service at Above Noted Address

# of pages (including cover) **2**

Please see attached Certificate of Title as proof of change of ownership on the home at 1809 9<sup>th</sup> St. W. in Palmetto. I have been out of that residence since 10/29/08 and need to have the service discontinued and a final bill issued.

Thank you for your kind assistance in this matter.

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

JOHN A. WILSON,

Plaintiff,

v.

Case No. 2007-CA-4735

RUTH RUSSO,

Defendant.

FILED FOR RECORD  
R.B. SHORE  
2008 OCT 26 AM 9:28  
CLERK OF THE CIRCUIT COURT  
MANATEE CO., FLORIDA

CERTIFICATE OF TITLE

The undersigned, Clerk of the Court, certifies that she executed and filed a Certificate of Sale on October 1, 2008 for the property described herein, and that no objections to the sale have been filed within the time allowed for filing objections.

The following described property in Manatee County, Florida:

Lots 5 and 6, Block 5, LESS the South 100 feet, N.A. REYNOLD'S RESUBDIVISION, according to the plat thereof recorded in Plat Book 1, Page 267, of the Public Records of Manatee County, Florida.

AKA 1809 9th Street West, Palmetto, Florida 34221  
was sold to:

John A. Wilson  
4107 North Biscayne Drive  
North Port, FL 34291

Witness my Hand and Official Seal of said Court on the 24 day of October, 2008.



R. B. Shore  
CLERK OF COURT

BY: Vicky Always-Say  
DEPUTY CLERK  
(COURT SEAL)

PO Box 25400, Bradenton, FL 34206

Copies to:

Charles J. Bartlett, Esq. (Prepared Document)  
Ruth Russo

Attorney for Plaintiff  
Postal Drawer 4195, Sarasota, FL 34230

MANATEE COUNTY  
PROPERTY APPRAISER

Other Counties | Links | Manat

Main Property Search

Owner Address Account Advanced Map Search

- ▶ Profile
- Values
- Sales
- Residential
- Commercial
- Out Buildings
- Permits
- Land
- Agriculture
- Sketch
- Exemptions
- Full Legal
- Map

PARID: 2885700050  
RUSSO RUTH

1809 9TH ST W

Retu

**ID Block**

|                           |   |
|---------------------------|---|
| Account#                  | 2885700050  |
| T/R/S                     | 34S / 17E / 15  |
| Primary Address Location  | 1809 W 9TH ST PALMETTO 34221 PL   |
| 2002 Census Tract         | 0013;B  |
| FEMA Zone Caveat          | NOT A FEMA DETERMINATION  |
| FEMA Flood Zone           | AE/8/N/0189 B/100   |
| Hurricane Evacuation Zone | B   |
| Fire District             | FD07-NORTH RIVER FD   |
| Exemption Status          | No Exemption  |
| Zoning                    | RS3   |
| DOR Use Code              | 0100  |
| DOR Description           | SINGLE FAMILY RESIDENTIAL   |
| Future Land Use           | RES6  |
| Neighborhood Name         | PT PALMETTO 15/34/17  |
| Neighborhood Number       | 1060  |
| Neighborhood Group        | 599   |
| Market Cluster            |   |
| Market Area               | 05  |
| Zone/Field Reference      | 1   |
| Route Number              | 096   |
| Map ID                    | 4B15.5  |
| Acres (If Available)      | .228  |
| Total Under Roof          | 1306  |
| Size Disclaimer           | Sq foot estimates derived from rounded exterior wall measurements                     |
| Number of Units           | 1   |
| Living/Business area      | 1027  |
| Unit Desc                 |   |
| Short Legal Desc          | LOTS 5 AND 6, BLK 5, LESS TH S 100 FT N A REYNOLD'S RESUB (1558/4498) PI#28857.0005/0 |
| Unit #                    |   |

CSV  
Para

Pr

Pr

**ID Subblock**

|                          |                            |
|--------------------------|----------------------------|
| Account#                 | 2885700050                 |
| Lot ID                   | 5                          |
| Block ID                 | 5                          |
| Subdivision Number       | 2883000                    |
| Subdivision Name         | REYNOLDS RESUB N A PB1/267 |
| City/County Tax District | 0019                       |
| Route Number/Suffix      | 096                        |

**Owners**

|         |               |
|---------|---------------|
| Name    | RUSSO, RUTH   |
| Address | 1809 9TH ST W |

|                           |          |
|---------------------------|----------|
| City                      | PALMETTO |
| State                     | FL       |
| Zip Code                  | 34221    |
| International Postal Code |          |
| Country                   |          |



IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR MANATEE COUNTY, FLORIDA

JOHN A. WILSON,

Plaintiff,

v.

Case No. 2007-CA-4735

RUTH RUSSO,

Defendant.

2008 JUL -3 PM 4:42

FILED FOR RECORD  
R.B. SHORPE  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

**SECOND AMENDED FINAL JUDGMENT RESETTING FORECLOSURE SALE DATE**

This cause came before the Court on the Plaintiff's Motion for Entry of Second Amended Final Summary Judgment to Set Foreclosure Sale Date and the Court having being duly advised in the premises, it is hereby,

ORDERED AND ADJUDGED as follows:

1. On February 5, 2008, this Court entered a Final Judgment Setting Foreclosure Sale (hereinafter referred to as the Final Judgment) scheduling a foreclosure sale date for March 21, 2008 at 11:00 a.m.,
2. On March 21, 2008, Defendant, RUTH RUSSO, filed a suggestion of pending bankruptcy which stayed the foreclosure sale set on March 21, 2008.
3. On April 8, 2008, the United States Bankruptcy Court, Middle District of Florida entered an Order Dismissing Case regarding Defendant, RUTH RUSSO. Based upon this dismissal, this matter shall be reset for foreclosure sale.
4. On April 24, 2008, this Court entered an Amended Final Judgment Resetting Foreclosure Sale Date. The amount awarded to Plaintiff was \$118,522.32 and the foreclosure sale was re-set for May 29, 2008.

Case: 2007 CA 004735  
000473511  
Dkt: FJH

5. On May 29, 2008, a Suggestion of Bankruptcy was filed on behalf of Defendant, RUTH RUSSO, which stayed the foreclosure sale.

6. On June 13, 2008, the United States Bankruptcy Court, Middle District of Florida entered an Notice of Dismissal.

7. All findings of the Final Judgment and Amended Final Judgment Resetting Foreclosure Sale are incorporated herein.

8. The real property which is the subject of this foreclosure is described as follows:

Lots 5 and 6, Block 5, LESS the South 100 feet, N.A. REYNOLD'S RESUBDIVISION, according to the plat thereof recorded in Plat Book 1, Page 267, of the Public Records of Manatee County, Florida.

a/k/a 1809 9<sup>th</sup> Street West, Palmetto, FL 34221

9. Pursuant to the Final Judgment, Plaintiff, JOHN WILSON, was granted judgment against Defendants, RUTH RUSSO, and the following are the amounts due through July 3, 2008:

|  |                 |
|--|-----------------|
| Amount due per the Final Summary<br>Judgment Setting Foreclosure Sale          | \$116,039.39    |
| Interest from 2/6/08 through 7/3/08<br>at 11% (149 days @ \$34.970775 per day) | <u>5,210.65</u> |
| Total Amount Due as of 7/3/08  | \$121,250.04    |

Interest continues to accrue at \$34.970775 per day after July 3, 2008.

10. If the total sum specified in Paragraph 9 above, together with accrued interest, and all costs in this action accruing subsequent to the Final Judgment are not paid, the Clerk of this Court shall sell the property at Public Sale set in Paragraph 11 herein.

11. The Clerk of this Court shall sell the property at Public Sale on the 5 day of August, 2008, at 11:00 A.M. at the East Vestibule on the main floor of the

Manatee County Courthouse, 1115 Manatee Avenue West, in Bradenton, Florida, to the highest bidder for cash, except as set forth below, in accordance with Florida Statutes, Section 45.031.

12. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the Sale, as far as they are sufficient, by paying: First, all of Plaintiff's costs; Second, Documentary Stamps affixed to the Certificate; Third, Plaintiff's Attorneys fees; Fourth, the total sum due to Plaintiff, less the items paid, plus interest at the rate prescribed by law from this date to the date of the Sale; and, by retaining any amount remaining pending the further Order of this Court.

13. On filing the Certificate of Sale, Defendant, RUTH RUSSO, and all persons claiming under or against any and all Defendants in this action, since the filing of the Notice of Lis Pendens, are foreclosed of all estate or claim in the property and the purchaser at the Sale shall be let into possession of the property.

14. The Clerk of Court shall issue, without requirement of further order of this Court, the necessary writ of possession, if any, to command the Sheriff to remove any person in possession of the property and to put the purchaser at the sale into possession of the property.

15. Jurisdiction of this action is retained to enter further Orders as are proper, including, without limitation, Writs of Assistance and/or a deficiency judgment.

**NOTICE PURSUANT TO FLORIDA STATUTES SECTION 45.031**

**IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS FINAL JUDGMENT.**

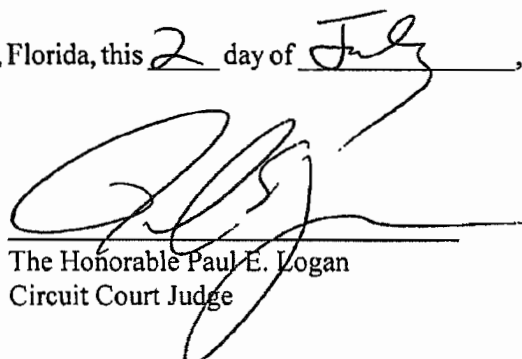
**IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.**

**IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO**

ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, MANATEE COUNTY COURTHOUSE, 1115 MANATEE AVENUE WEST, BRADENTON, FLORIDA 34205, (941) 741-4025, WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL AID OF MANASOTA AT (941) 747-1628 TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT LEGAL AID OF MANASOTA AT (941) 747-1628 FOR ASSISTANCE YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

DONE AND ORDERED at Manatee County, Florida, this 2 day of July, 2008.

  
The Honorable Paul E. Logan  
Circuit Court Judge

Copies to:  
Charles J. Bartlett, Esquire  
Ruth Russo