

TAB 4



City of Palmetto Agenda Item

Meeting Date

12/21/09

Presenter: City Attorney

Department: City Attorney

Title:

Foreclosure of City Liens at 98 U.S. 41 North, Palmetto

On July 2, 2008, the City of Palmetto recorded a lien regarding unpaid Code Enforcement fines against the property located at 98 U.S. 41 North, Palmetto. The original Code Enforcement fines were assessed for overgrowth on the property and for placing a mobile home without a permit. According to our records, this parcel is currently owned by Palmetto Funding, LLC.

The original Code Enforcement Lien amount was filed for \$29,176, with an Order of Administrative Costs of \$275. The property owner's lender instituted foreclosure proceedings prior to the City's Code Enforcement lien being filed. Since the lien was recorded subsequent to the foreclosure action being filed, a suit to foreclose the City's lien would be required if we want to proceed. As of November 30, 2009, the lien amount is \$46,046.04.

The City lien appears to have priority based on the prevailing case law, but there are some inconsistent decisions. Costs to file and serve would be approximately \$400.00. Fees would be approximately \$2,500 - \$10,000 depending on how contested the suit is. The City may be able to recover some or all of these costs based on the value of the property.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information: Fees not budgeted; however, funds could be allocated from General Fund Balance

Funding Source(s): General Fund Fund Balance **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

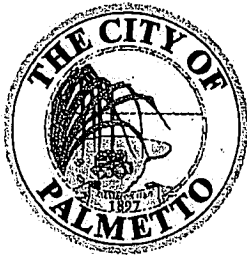
City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/Direction Requested: Authorize the filing of a lawsuit to foreclose on the City's liens recorded against the property located at 98 U.S. 41 North, Palmetto.

Staff Contact: City Attorney

Attachments:

NOTICE OF LIEN



DATE: July 2, 2008

RESPONDENT: Bella Tramonoto I, LLC
and to all those claiming by, through or
under same:

MAILING ADDRESS: 130 Riviera Dunes Way, unit 1003
Palmetto, FL 34221
And
14 Creek Bluff Run
Flagler Beach, FL 32136

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) & (12), and Section 16-27(a) & (b); Chapter 21, Mobile Homes, Section 21-8(a-g).

**LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR
ORDINANCE ACCRUING AND BECOMING DUE: \$13622.00**

VIOLATION STREET ADDRESS: 98 US 41 North
Palmetto, FL 34221

PROPERTY ID No. 25816.0036/9

TOWNSHIP: 34S **RANGE:** 17E **SECTION:** 24

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 and the Administrative Order 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, City Clerk

Sworn to and subscribed before me this 2nd day of July, 2008.



NOTARY PUBLIC

OR BOOK 02266 PAGES 0275 - 0284
MANATEE COUNTY CLERK COURT
10 PAGES(S)
RECORDED; 7/8/2008 1:43:53 PM 

NOTARY PUBLIC-STATE OF FLORIDA
Diane Ponder
Commission # DD574860
Expires: JULY 17, 2010
BONDED THRU ATLANTIC BONDING CO., INC.

CUSTOMER	INV/CHCK#	TYPE	REFERENCE	DUE DATE	CURRENT	30 DAYS	60 DAYS	90+ DAYS	ORIGINAL

511	Bella Tramonoto LLC								
	407053888	CDE	CEB 08-04	10/15/08				29,176.00	29,176.00
	407053986	FIN	FINANCE CHARGE	10/31/08				268.42	268.42
	407054048	FIN	FINANCE CHARGE	11/30/08				268.42	268.42
	407054100	FIN	FINANCE CHARGE	12/31/08				268.42	268.42
	407054176	FIN	FINANCE CHARGE	01/30/09				268.42	268.42
	407054229	FIN	FINANCE CHARGE	03/02/09				268.42	268.42
	407054288	FIN	FINANCE CHARGE	03/31/09				268.42	268.42
	407054343	FIN	FINANCE CHARGE	04/30/09				268.42	268.42
	407054399	FIN	FINANCE CHARGE	05/31/09				268.42	268.42
	407054475	FIN	FINANCE CHARGE	06/30/09				268.42	268.42
	407054530	FIN	FINANCE CHARGE	07/31/09				268.42	268.42
	407054557	CDE	Compliance 10/1	09/16/09				12,759.99	12,759.99
	407054595	FIN	FINANCE CHARGE	08/31/09				268.42	268.42
	407054669	FIN	FINANCE CHARGE	09/30/09				385.81	385.81
	407054745	FIN	FINANCE CHARGE	10/30/09			385.81		385.81
	407054806	FIN	FINANCE CHARGE	11/30/09		385.81			385.81
	** CUSTOMER TOTAL **		BAL DUE:	46,046.04	.00	385.81	385.81	45,274.42	46,046.04
0011152500	TOTAL		BAL DUE:	46,046.04	.00	385.81	385.81	45,274.42	46,046.04

City Of Palmetto

P.O. Box 1209, 516 8th Avenue West
 Palmetto, FL 34220-1209
 Phone: (941) 723-4570

INVOICE: 407053888

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***** CUSTOMER *****

Bella Tramonoto LLC
 130 Riviera Dunes Way
 Unit 1003
 Palmetto, FL 34221

***** DELIVER TO *****

Invoice Date	Due Date	Ship Via	FOB	Terms	Reference
09/15/08	10/15/08			NET 30	

Contact	Customer No.	Phone	Fax
	511		

Quantity	UOM	Description	Unit Price	Extended
1.00	ea	CODE ENFORCEMENT CEB 08-04	275.0000	275.00
1.00	ea	Administrative Order	15.0000	15.00
1.00	ea	Code Enforcement Fee	10.0000	10.00
9.00	ea	MC Recording Fee: Page 1 Notice of Lien	8.0000	72.00
1.00	ea	MC Recording Fee: Page 2-9 Supporting	11.5000	11.50
1.00	ea	FC Recording Fee: Page 1	8.5000	42.50
5.00	ea	FC Recording Fee: Page 2-5 Supporting	250.0000	5,750.00
23.00	ea	Daily Fine: May 9-May 31, 2008	250.0000	7,500.00
30.00	ea	Daily Fine: June 08	250.0000	7,750.00
31.00	ea	Daily Fine: July 08	250.0000	7,750.00
31.00	ea	Daily Fine: August 08	250.0000	7,750.00
			SUBTOTAL:	29,176.00
				.00
			TOTAL DUE:	29,176.00

City Of Palmetto

P.O. Box 1209, 516 8th Avenue West
 Palmetto, FL 34220-1209
 Phone: (941) 723-4570

INVOICE: 407054557

Page: 1 of 1

***** CUSTOMER *****


Bella Tramonoto LLC
 130 Riviera Dunes Way
 Unit 1003
 Palmetto, FL 34221

***** DELIVER TO *****

Invoice Date	Due Date	Ship Via	FOB	Terms	Reference
08/17/09	09/16/09			NET 30	

Contact	Customer No	Phone	Fax
	511		

Quantity	UOM	Description	Unit Price	Extended
30.00	ea	CODE ENFORCEMENT CEB 08-04		
		Daily Fine: September 08	250.0000	7,500.00
17.00	ea	Daily Fine: October 08 (Complied)	250.0000	4,250.00
1.00	ea	Accrued Finance Charges for Sept/Oct 08	1,009.9900	1,009.99
			SUBTOTAL:	12,759.99
				.00
			TOTAL DUE:	12,759.99



Detach and Return with Payment

Send Payment To:

City Of Palmetto
 P.O. Box 1209, 516 8th Avenue
 Palmetto, FL 34220-1209

Invoice: 407054557
 Customer: 511
 Bella Tramonoto LLC
 130 Riviera Dunes Way
 Unit 1003
 Palmetto, FL 34221

TOTAL DUE: \$12,759.99

AMOUNT PAID: _____