

**TAB 5**



# City of Palmetto Agenda Item

**Meeting Date**

12/21/09

**Presenter:** City Attorney

**Department:** City Attorney

**Title:**

**Foreclosure of City Liens at 4009 11<sup>th</sup> Street Court West and 4111 10<sup>th</sup> Street West**

On March 3, April 4, and May 14, 2008, the City of Palmetto recorded liens regarding unpaid Code Enforcement fines against properties located at 4009 11th Street Court West and 4111 10th St. West, Palmetto. The original Code Enforcement fines were assessed for failure to maintain the property. According to our records, the parcels are currently owned by BMR Funding, LLC.

The City's liens, totaling \$21,704.60 as of November 30, 2009, were recorded after the property owner's mortgage but prior to the commencement of the mortgage foreclosure action. However, the City of Palmetto was not named in the suit. The foreclosure is now complete, and the property was sold at public auction. The City sent a letter to successful bidder, BMR Funding, LLC, on 10/30/09 but received no response.

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 properties located at 4009 11th Street Court West and 4111 10th St. West, Palmetto.

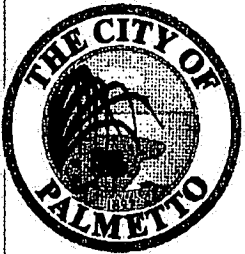
**Staff Contact:** City Attorney

**Attachments:**

CUSTOMER	INV/CHCK#	TYPE	REFERENCE	DUE DATE	CURRENT	30 DAYS	60 DAYS	90+ DAYS	ORIGINAL
280	GENESIS GROUP								
	407053519	CDE	Code Enf 07-15	04/02/08				1,004.00	1,004.00
	407053842	FIN	FINANCE CHARGE	08/31/08				72.05	186.41
	407054069	FIN	FINANCE CHARGE	12/31/08				228.67	228.67
	407054146	FIN	FINANCE CHARGE	01/30/09				228.67	228.67
	407054500	FIN	FINANCE CHARGE	07/31/09				171.17	171.17
	407054726	FIN	FINANCE CHARGE	10/30/09			171.17		171.17
	** CUSTOMER TOTAL **		BAL DUE:	1,875.73	.00	.00	171.17	1,704.56	1,990.09
0011152000	TOTAL		BAL DUE:	1,875.73	.00	.00	171.17	1,704.56	1,990.09
280	GENESIS GROUP								
	407053567	CDE	CEB 07-15	05/21/08				2,528.00	2,528.00
	407053627	cde	Order Imposing	06/11/08				15,073.00	21,323.00
	407053910	FIN	FINANCE CHARGE	10/01/08				228.67	228.67
	407053950	FIN	FINANCE CHARGE	10/31/08				228.67	228.67
	407054015	FIN	FINANCE CHARGE	11/30/08				228.67	228.67
	407054198	FIN	FINANCE CHARGE	03/02/09				228.67	228.67
	407054261	FIN	FINANCE CHARGE	03/31/09				228.67	228.67
	407054313	FIN	FINANCE CHARGE	04/30/09				228.67	228.67
	407054370	FIN	FINANCE CHARGE	05/31/09				171.17	171.17
	407054447	FIN	FINANCE CHARGE	06/30/09				171.17	171.17
	407054565	FIN	FINANCE CHARGE	08/31/09				171.17	171.17
	407054640	FIN	FINANCE CHARGE	09/30/09				171.17	171.17
	407054785	FIN	FINANCE CHARGE	11/30/09		171.17			171.17
	** CUSTOMER TOTAL **		BAL DUE:	19,828.87	.00	171.17	.00	19,657.70	26,078.87
0011152500	TOTAL		BAL DUE:	19,828.87	.00	171.17	.00	19,657.70	26,078.87

6 21,704.60 - Balance  
11/30/2009

# NOTICE OF LIEN



**DATE:** February 28, 2008

**RESPONDENT:** Genesis Development Partners, LLC  
and to all those claiming by, through or  
under same:

**MAILING ADDRESS:** 101 Riverfront Blvd.,  
Suite 610  
Bradenton, FL 34205

The CITY OF PALMETTO, County of Manatee, State of Florida, 516 8<sup>th</sup> 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 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a) 1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153(b)(1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a)&(b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a)&(b). **CEB Case 07-15.**

**LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR  
ORDINANCE ACCRUING AND BECOMING DUE: \$1,004.00**

**VIOLATION STREET ADDRESS:** 4009 11<sup>th</sup> St. Ct. W.  
Palmetto, FL 34221

**AND**

4111 10<sup>th</sup> St. W.  
Palmetto FL 34221

OR BOOK 02249 PAGES 0928 - 0936  
MANATEE COUNTY CLERK COURT  
9 PAGES (3)  
RECORDED: 3/3/2008 1:59:15 PM



**PROPERTY ID No.** 29363.0020/9

I hereby certify that on this date a copy of this Notice of Lien and an attached certified copy of the Order Imposing Fine 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 28<sup>th</sup> day of February, 2008.

  
NOTARY PUBLIC

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

NOTICE OF LIEN

RECEIVED

APR 18 2008



DATE: March 28, 2008

RESPONDENT: Genesis Development Partners, LLC and to all those claiming by, through or under same:

CITY HALL

MAILING ADDRESS: 101 Riverfront Blvd., Suite 610 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 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a)1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153 (b) (1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a) & (b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (a) & (b). CEB Case 07-15.

LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR ORDINANCE ACCRUING AND BECOMING DUE: \$2,528.00

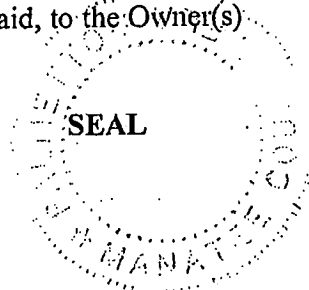
VIOLATION STREET ADDRESS: 4009 11th St. Ct. W. Palmetto, FL 34221 AND 4111 10th St. W. Palmetto FL 34221

PROPERTY ID No. 29363.0020/9

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

THE CITY OF PALMETTO

By: James R. Freeman, City Clerk

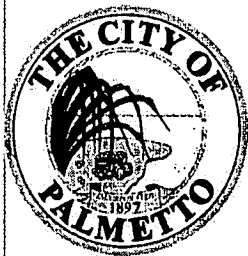


Sworn to and subscribed before me this 28th day of March, 2008.

Notary Public section including Diane Ponder, Commission # DD574860, Expires: JULY 17, 2010, BONDED THRU ATLANTIC BONDING CO., INC.

OR BOOK 02253 PAGES 6512 - 6512 MANATEE COUNTY CLERK COURT 1 PAGES(S) RECORDED; 4/4/2008 9:31:25 AM

# NOTICE OF LIEN



**DATE:** April 28, 2008

**RESPONDENT:** Genesis Development Partners, LLC  
and to all those claiming by, through or  
under same:

**MAILING ADDRESS:** 101 Riverfront Blvd.,  
Suite 610  
Bradenton, FL 34205

The CITY OF PALMETTO, County of Manatee, State of Florida, 516 8<sup>th</sup> 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 7, Article XI, Minimum Maintenance Standards, Section 7-237(a)1, (a)2 & (a)3, Section 7-238(a)1; Section 7-240(b); Chapter 7, Article VII, Dangerous and Unsafe Buildings, Sec. 7-151, Sec. 7-153 (b) (1-7); Chapter 16, Article II, Nuisances, Section 16-26, Section 16-26(1), Section 16-26(2), Section 16-26(4) and Section 16-27(a) & (b); Chapter 19, Licenses and Business Regulations, Article II Section 19-26, Section 19-27(a), Section 19-28(a), Section 19-29, Section 19-35, Section 19-37 and Section 19-42; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (a) & (b). CEB Case 07-15.

**LIEN AMOUNT PLUS ANY OTHER EXPENSES ALLOWED BY LAW OR ORDINANCE ACCRUING AND BECOMING DUE: \$21,323.00**

**VIOLATION STREET ADDRESS:** 4009 11<sup>th</sup> St. Ct. W.  
Palmetto, FL 34221

OR BOOK 02259 PAGES 0350 - 0350  
MANATEE COUNTY CLERK COURT  
1 PAGE(S)

RECORDED: 5/14/2008 8:44:34 A



**AND**  
4111 10<sup>th</sup> St. W.  
Palmetto FL 34221

**PROPERTY ID No.** 29363.0020/9

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, City Clerk

Sworn to and subscribed before me this 28<sup>th</sup> day of April, 2008.

  
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