

TAB 8



# City of Palmetto Agenda Item

Meeting Date

5/17/10

Presenter: Jim Freeman

Department: Code Enforcement

**Title:**

Consent Agenda - Request For Code Enforcement Fine Reduction

The property that is the subject of this discussion is located at 1525 17th Street West, Palmetto, Florida, Parcel ID # 28003.1035/9 Township 34S, Range 17E, Section 15. The issues involved overgrown property and stagnant water in the pool.

The Respondents in the Code Enforcement action CEB 09-18, David L. Spire and Melanie L. Spire, were identified as the owners of the property through the Manatee County Property Appraiser's and Tax Collector's web sites. The house is vacant, and a mortgage foreclosure against the Respondents in the Manatee County Court, 2008-CA-003891, resulted in the sale of this property to Saxon Mortgage Services on April 12, 2010. The Notice of Lis Pendens in that case listed Taylor, Bean & Whitaker Mortgage Company as the Plaintiff in this action.

Since July 2008 this property has become repeatedly overgrown. Code Enforcement has issued Notices of Nuisance and Notices of Violation in an effort to maintain code compliance. On October 13, 2008 a Notice of Nuisance was issued, and the owners cured the violation on November 10, 2008. Since that date, the property has been monitored regularly for compliance.

The property remained in compliance through February 2009; in March the yard was determined to be marginal and then judged overgrown in May 2009. A voice mail was left for the owner on May 28, 2009, and when the property remained overgrown a Notice of Violation was issued on June 10, 2009. A copy of this NOV was forwarded to the Plaintiffs c/o the Florida Default Law Group.

On July 24, 2009 partial clearing of the property was noted, but the majority of the yard remained overgrown. On August 6, 2009 Code Enforcement Officer Ewing spoke to a representative of Sparta Servicing, Verna Tuttle, who reported they were clearing the property and shocking the pool. Verna Tuttle was advised the company may discontinue shocking the pool as Manatee County Mosquito Control had treated the pool for infestation. Verna acknowledged the company had only performed a perimeter cut of the property, but she would schedule the crew to return the following week.

As of September 29, 2009, the date of the initial hearing before the City Code Enforcement Board, the property remained overgrown. An Administrative Order Imposing Lien was issued by the Board on that date assessing \$383.00 in administrative costs and establishing a date certain of October 6, 2009 for the Respondents to correct the violation. The Board held a second hearing on this case on October 27, 2009, and the CEB issued an Order Imposing Fine And Lien dated October 27, 2009, assessing a \$100.00/day fine commencing October 6, 2009 and continuing until the property was brought into compliance.

The City of Palmetto Parks Department cleared the property on December 3, 2009, and a Report of Compliance was issued on this case on December 4, 2009. Since that date, the property has been maintained, and the City has not been required to abate any additional violations at that address.

On May 17, staff recommended acceptance of the settlement of 50% of the original amount. Commission chose to defer action until Jun3 7<sup>th</sup>.

<b>Budgeted Amount:</b>	\$0.00	<b>Budget Page No(s):</b>	N/A	<b>Available Amount:</b>	\$0.00	<b>Expenditure Amount:</b>	\$0.00
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**Additional Budgetary Information:**

N/A

<b>Funding Source(s):</b>	N/A	<b>Sufficient Funds Available:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Budget Amendment Required:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<b>Source:</b>	
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<b>City Attorney Reviewed:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	<b>Advisory Board Recommendation:</b>	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	<b>Consistent With:</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
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**Potential Motion/ Direction Requested:**

**Staff Contact:**

Jim Freeman	Bill Strollo	
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**Attachments:**

Notice of Violation, December 4, 2009 correspondence from Florida Default Law Group, Code Enforcement Time Log, CE Case Details, Request for Fine Reduction from Florida Default Law Group with attachments.

<b>Spire</b>	<b>1525 17<sup>th</sup> Street West</b>
<b><u>DATE</u></b>	<b><u>ACTIVITY</u></b>
11/12/08	Site visit
11/25/08	Site visit
12/16/08	Site visit
01/16/08	Site visit
02/16/09	Site visit
03/18/09	Site visit
04/01/09	Site visit
04/15/09	Site visit
05/06/09	Site visit
05/27/09	Site visit
05/28/09	Record search/VM to owner
06/09/09	Site visit/Pictures
06/10/09	Record search/NOV
06/10/09	Site visit/NOV posted/pictures
06/22/09	Site visit
07/01/09	Site visit
07/20/09	Site visit
07/24/09	Site visit
07/29/09	Site visit
08/04/09	Site visit/NOV posted
08/06/09	Contact with service company
08/20/09	Record search/Point Paper
09/08/09	Site visit/NOH posted/pictures
09/29/09	CEB Hearing CEB 09-18/Admin Costs
10/02/09	AO/NOH posted @ CH & property
10/06/09	Site visit
10/20/09	Site visit
10/26/09	Site visit
10/27/09	Record search/Prop App/Clerk of Court
10/27/09	CEB Hearing – Fine Assessment
11/03/09	Site visit/OIF posted @ CH & property
11/16/09	Site visit
11/23/09	Site visit
12/03/09	Site visit
12/03/09	Record search
12/03/09	Clearing turned over to Parks Dept
12/03/09	Cleared by Parks Department
12/04/09	Site visit
12/04/09	Report of Compliance issued
04/12/10	Amended Certificate of Title issued to Saxon Mortgage Services, Inc.
04/30/10	Research file for City costs since 9/29/09
05/11/10	Research Consent Agenda for City Commission May 17, 2010
05/24/10	Research Agenda Item for City Commission Meeting June 7, 2010

iasWorld

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**PROPERTY APPRAISER**[Other Counties](#) | [Manatee County](#) | [State](#)[Main](#) [Property Search](#)[Owner](#) [Address](#) [Parcel ID](#) [Advanced](#) [Map](#)

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[Out Buildings](#)  
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[Land](#)  
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[Sketch](#)  
[Exemptions](#)  
[Full Legal](#)  
[Estimating Taxes](#)  
[2009 Tax Bill](#)  
▶ [Map](#)

**PARID: 2800310359**  
**SPIRE DAVID L****1525 17TH ST W**

CURRENT RECORD

1 of 2

[Return to Search Results](#)**Manatee County**  
Last GIS Data Update: 25-Jan-2010

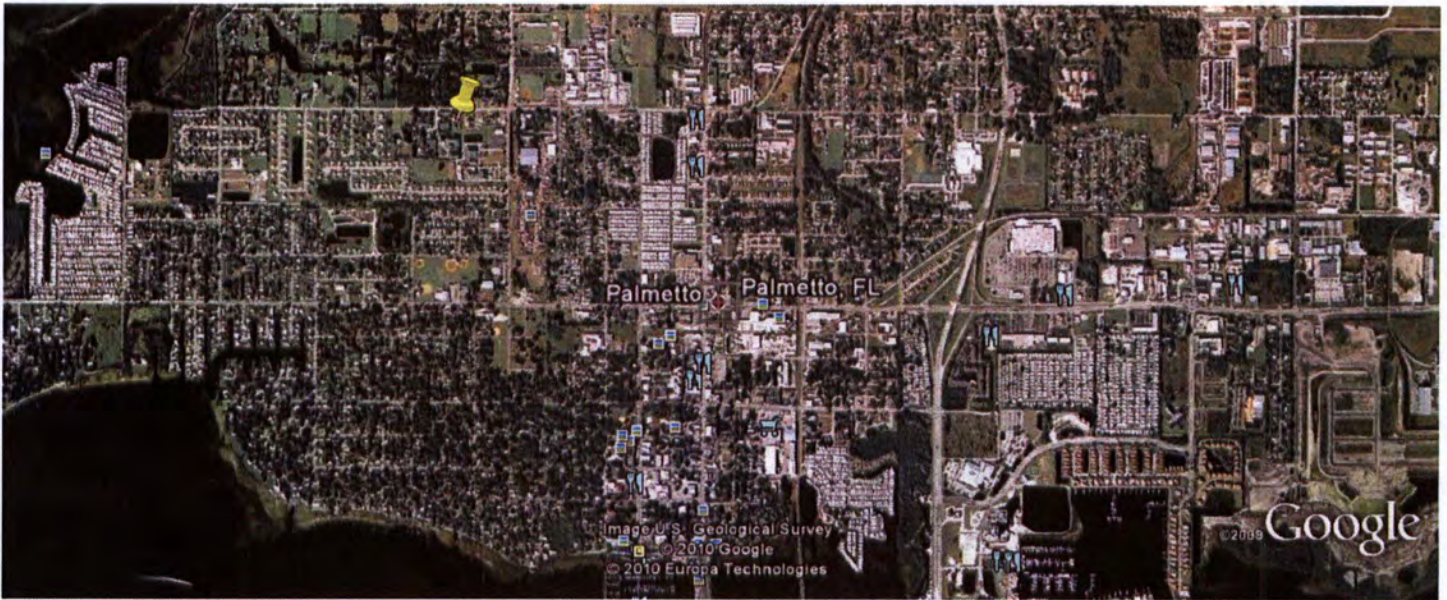
## REPORTS

[CSV Report](#)  
[Parcel Information Report](#)[GO](#) [Printable Version](#)

Data Copyright Manatee County Property Appraiser's Office [Disclaimer] [Privacy Policy] Last Updated: 20 May 2010

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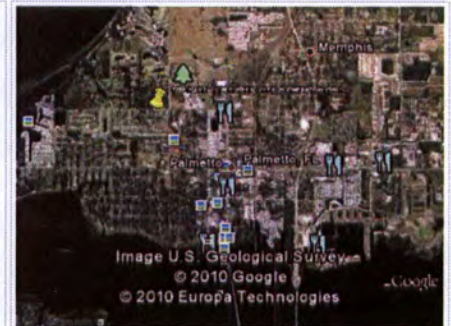




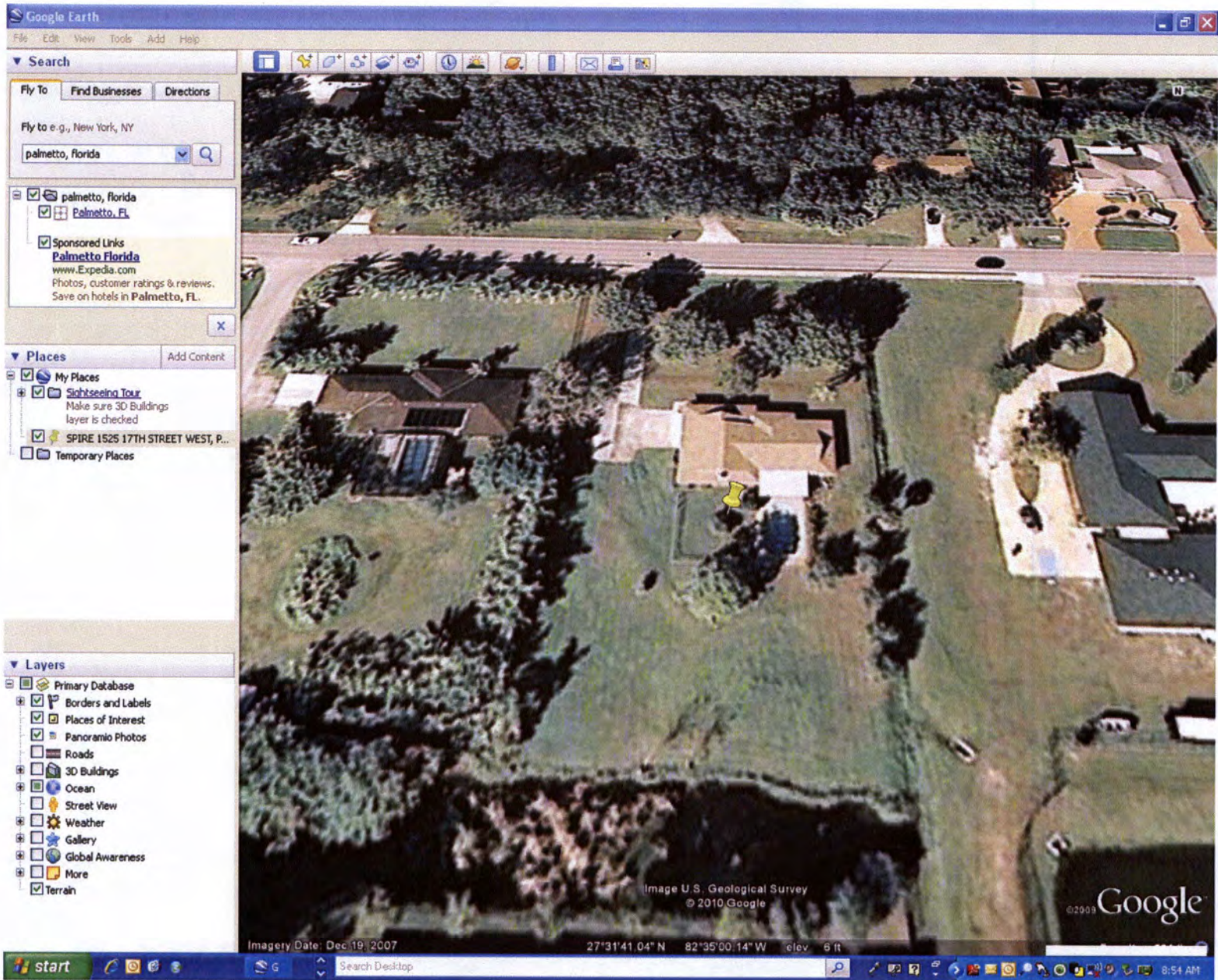
palmetto, florida



Palmetto, FL







# **PALMETTO**

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 5431 and Regular Mail

David Spire  
Melanie Spire  
1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221

**RE: City of Palmetto, Petitioner, v. David & Melanie Spire**  
**Address of Violation: 1525 17<sup>th</sup> Street West, Palmetto, Florida 34221**  
**Legal Description: E1/2 OF NE1/4 OF NW1/4 OF NE1/4 OF NE1/4 OF**  
**SEC 15 TWN 34 RNG 17, LESS THE E 3 FT THEREOF & LESS RD R/W**  
**FOR 17<sup>TH</sup> ST (2067/2545)**  
**PI#28003.1035/9 Township 34S, Range 17E, Section 15**

David Spire & Melanie Spire:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of 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, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1) & (3) and Section 16-27(a), (b), & (c):

- Sec. 16-26. Nuisances defined.
- Sec. 16-26(1). Tract or parcel of land is or may reasonably become a breeding place for mosquitoes, or may reasonably cause disease, or otherwise threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- Sec. 16-26(3). The existence of excessive accumulation or untended growth of weeds and brush.
- Sec. 16-27(a) & (b). Nuisances are prohibited and may be enforced against any violator.



- Sec. 16-27(c). This article shall be enforced as provided by Florida law.

**DESCRIPTION OF VIOLATION:**

- The cover on the pool located at the south side of the property is in disrepair allowing for breeding of mosquitoes in the stagnant water.
- The above noted property is overgrown.

**TO REMEDY THESE VIOLATIONS**, you must accomplish the following action within ten (10) days of receipt of this Notice. The corrective action necessary is as follows:

- You must repair the pool cover to prevent breeding of mosquitoes and other insects.
- You must mow, trim and maintain the property.

**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.

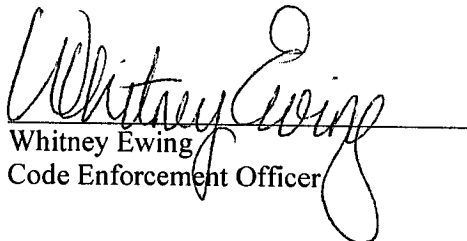
It is the intent of this Notice to assist you in correcting the violations and avoid the necessity of a hearing before the Code Enforcement Board. If you have any specific questions regarding the violations please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 124.

**PLEASE GOVERN YOURSELF ACCORDINGLY.**

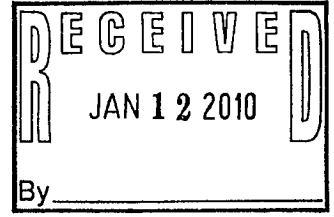
**DATED**, this 10th day of June 2009.

Cc: Taylor, Bean & Whitaker Mortgage  
Company, c/o Florida Default Law  
Group, P.L.

**CITY OF PALMETTO, FLORIDA**

  
Whitney Ewing  
Code Enforcement Officer

CITY OF PALMETTO CODE ENFORCEMENT  
516 8TH AVENUE WEST  
P.O. BOX 1209  
PALMETTO, FL 34220  
ATTN: DEANNA ROBERTS, CLERK



FILE\_NUMBER: F08033703



DOC\_ID: M031017



CITY OF PALMETTO CODE ENFORCEMENT  
516 8TH AVENUE WEST  
P.O. BOX 1209  
PALMETTO, FL 34220  
ATTN: DEANNA ROBERTS, CLERK

**FLORIDA DEFAULT LAW GROUP, P.L.**  
ATTORNEYS AT LAW  
9119 CORPORATE LAKE DRIVE  
3<sup>RD</sup> FLOOR  
TAMPA, FLORIDA 33634

Please reply to:  
Post Office Box 25018  
Tampa, FL 33622-5018

Telephone (813) 251-4766  
Telefax (813) 251-1541

December, 04, 2009

Jonathan Pahl  
SAXON MORTGAGE SERVICES, INC.  
4708 Mercantile Drive  
Ft. Worth, TX 76137

**Re:**

***Mortgagor: DAVID L. SPIRE  
Property Address: 1525 17TH STREET WEST, PALMETTO, FL 34221  
Our File No.: F08033703***

Dear Jonathan Pahl:

Enclosed please find a copy of a Administrative Order dated September 29, 2009. The City of Palmetto Code Enforcement Board mailed this notice regarding the above property. The subject property is still in foreclosure proceedings. Our records indicate that the mortgagor is still the owner of the premises and no judgment has been obtained against the property. Therefore, as TAYLOR, BEAN AND WHITAKER MORTGAGE CORPORATION is not the owner of the subject property, you are not responsible for these violations.

However, if you wish to take action pursuant to the notification to cure the violations please let us know. Since TAYLOR, BEAN AND WHITAKER MORTGAGE CORPORATION is not the owner of the property, before taking any action we would have to obtain from the court an Order Allowing Entry Upon Land prior to curing the violations.

By sending a copy of this letter to Deanna Roberts, Code Enforcement Board, I am informing them that they should send all future correspondence to the mortgagor at 5515 90th Avenue Circle East, Parrish, FL 34219. If you have any questions, please do not hesitate to call me at (813) 251-4766, ext. 3148.

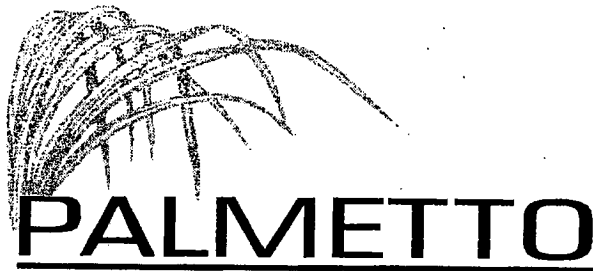
Sincerely,

SARAH R. KINNETT

Enclosure

cc: Deanna Roberts, Code Enforcement 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)

**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.**

David Spire  
Melanie Spire  
1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221  
**Respondent**

**Case No. CEB 09-18**

**Re Violation Location:** 1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221

**Legal Description:** E1/2 OF NE1/4 OF NW1/4 OF NE1/4 OF SEC 15 TWN  
34 RNG 17, LESS THE E 3 FT THEREOF & LESS RD R/W FOR  
17<sup>TH</sup> ST (2067/2545) Township 34S, Range 17E, Section 15

**Parcel ID #:** PI#28003.1035/9

**ADMINISTRATIVE ORDER**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on September 29, 2009, 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 cover on the pool located at the south side of the property is in disrepair allowing for breeding of mosquitoes in the stagnant water.
- The above noted property is overgrown.

### 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, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1) & (3) and Section 16-27(a), (b), & (c):

## ORDER

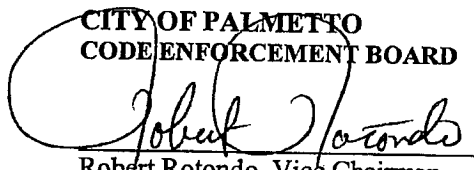
The Respondents, David and Melanie Spire, are found in violation of the Palmetto Code of Ordinances as noticed and given until October 6, 2009, to comply with the Palmetto Code of Ordinances cited above. If the aforementioned action is not taken by October 6, 2009, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondents are entitled to notice and an opportunity to be heard prior to a fine being assessed. **A Public Hearing will be held on October 27, 2009, to determine if the violation has been corrected. Administrative costs incurred by the City in the prosecution of the case in the amount of \$383.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing.**

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.

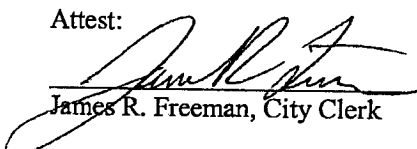
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 29<sup>th</sup> day of September, 2009.

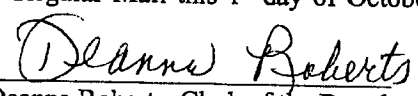
CITY OF PALMETTO  
CODE ENFORCEMENT BOARD

  
Robert Rotondo, Vice 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 1<sup>st</sup> day of October, 2009.

  
Deanna Roberts, Clerk of the Board

<b>Spire</b>	<b>1525 17<sup>th</sup> Street West</b>	<b>CEB 09-18</b>
<b><u>DATE</u></b>	<b><u>ACTIVITY</u></b>	<b><u>TIME - MINUTES</u></b>
10/02/09	AO/NOH posted @ CH & property	20
10/06/09	Site visit	15
10/20/09	Site visit	15
10/26/09	Site visit	15
10/27/09	Record Search/Prop App/Clerk of Court	15
10/27/09	CEB Hearing – Fine Assessment	30
11/03/09	OIF posted @ CH & property	20
11/16/09	Site visit	15
11/23/09	Site visit	15
12/03/09	Site visit	15
12/03/09	Record Search	15
12/03/09	TOT Parks Department	10
12/03/09	Cleared by Parks	Refer to invoice
12/04/09	Site visit	15
12/04/09	Report of Compliance issued	15
04/30/10	Research file for City costs since 9/29/09	60
05/11/10	Agenda Item for City Commission 5/17/10	60
<b>Total Time</b>	<b>Code Enforcement Officers</b>	<b>5.83 Hours</b>

**Administrative Costs from Sept. 29, 2009 to May 11, 2010:**

<b>Code Enforcement Officers</b>	5.83 hours @ \$40.00/hour =	<b>\$233.20</b>
<b>Parks Department Work Order</b>	Invoice Dec. 3, 2009 =	<b><u>76.73</u></b>
<b>Total Costs</b>		<b>\$309.93</b>

**PRIOR ADMINISTRATIVE COSTS IMPOSED BY CEB ON SEPTEMBER 29, 2009 = \$383.00**

**TOTAL CODE ENFORCEMENT/PARKS DEPARTMENT COSTS = \$692.93.**

<b>CASE FIELD REPORT</b>		Assigned to: Strollo, Bill		<b>CE10-159</b>
<b>City of Palmetto/Code Enforcement</b>				
Location of Violation:		1525 17TH ST W Palmetto, FL 34221		APN# 2800310359
<b>CDBG</b> NO	<b>Custom Location Field</b> Property Type: Residential SPD: 4 WARDS: 2		<b>Custom Field</b> Foreclosure?: Vacant?:	
Subject Name: , (Property Owner)		Address (if different) 4708 Mercantile Drive Ft. Worth, TX 76137		Hm: Wk:
No Open Violations				
<b>Date</b>	<b>Type</b>	<b>Officer</b>	<b>Note/Activity</b>	
05/11/2010	Note	Strollo, Bill	Agenda Item completed for City Commission review of request for lien reduction - May 17, 2010 Commission Meeting.	
05/10/2010	Note	Strollo, Bill	Copy of e-mail from City Clerk to Sally Hunt. Florida Default Law Group requesting to be included in the Commission Consent Agenda; scheduled for Monday, May 17, 2010.	
05/10/2010	Note	Strollo, Bill	R. With City Clerk. Agenda paper needed; discuss history of case & recommendations.	
05/06/2010	Note	Strollo, Bill	T. From Sally Hunt. Told if company agrees to pay 50% of lien payoff amount (currently @ \$7,120.00), City Clerk will list under consent agenda. If this is unacceptable, it will be listed as full agenda item. Also advised I will speak against reduction if full agenda item. Directed to send letter to City Clerk regarding decision.	
05/06/2010	Note	Strollo, Bill	R. With Jim Freeman. Advised of discussion with Sally Hunt.	
05/05/2010	Case	Strollo, Bill	Case Status changed to Closed: City Abated	
05/05/2010	Case Closed	Strollo, Bill	Closing all violations for closed case	
05/05/2010	Violation	Strollo, Bill	Changed violation disposition to Compliance	
05/05/2010	Violation	Strollo, Bill	Status changed: Violation Overgrown Property Closed with disposition Compliance	
05/05/2010	Violation	Strollo, Bill	Added: Overgrown Property	
05/05/2010	Case	Strollo, Bill	Initial Case Status Administrative Hearing Scheduled	
05/05/2010	Note	Strollo, Bill	E-mail from Sally Hunt, Florida Default Law Group requesting code enforcement lien be lowered. Case involves overgrown residential property, vacant & under foreclosure. Case dates back to NON issued 10/13/08; NOV issued 6/10/09, NOH 8/6/09 & 9/8/09. CEB case 09-18 heard 9/29/09 (AO issued \$383.00 costs assessed) and 10/27/09 (\$100.00 /day fine commencing 10/6/09). Cleared by Parks Department 12/3/09 & Report of compliance issued.	
05/05/2010	Note	Strollo, Bill	R. With City Clerk & City Attorney. City will recommend the mortgage company pay 50% of lien if they are in agreement. Will be handled as consent agenda item. Otherwise, it will be full agenda item and any reduction will be opposed by staff. CE to contact attorney, Sally Hunt.	
05/05/2010	Note	Strollo, Bill	Property Appraiser still lists Spire as owner. Clerk of Court - 2008-CA-003891 - shows title issued (amended) to Saxton Mortgage Services, Inc., 4708 Mercantile Drive, Ft. Worth TX 76137 on March 19, 2010.	
05/05/2010	Note	Strollo, Bill	VM to Sally Hunt (New Health Title?), (813) 902-6926. Request return call.	
05/05/2010	Note	Strollo, Bill	Site inspection. Property in compliance.	
05/05/2010	Initial	Strollo, Bill	Case Opened	
<b>Follow-up</b>	06/02/2010	Monitor for overgrowth		
<b>INVESTIGATION:</b>				





ATTORNEYS AT LAW  
9119 Corporate Lake Dr.  
Suite, 300  
Tampa, FL 33634  
Toll Free 866-750-3551  
Fax 813-902-6926

Date: May 10, 2010

To: Jim Freeman, City Clerk  
jfreeman@palmettofl.org

Company: City of Palmetto - Office of the City Clerk

Fax No. : 941-723-4576  
Phone No: 941-723-4570

Regarding: Request for Fine Reduction  
CE Case 09-18; ORB 2320/2611 & ORB 2320/2613  
1525 W 17th Street  
Our File No.: R10004837

Sender: Sally J. Hunt  
Phone (813) 466-1196 Ext. 3515  
Fax (813) 902-6926  
shunt@defaultlawfl.com

NUMBER OF PAGES, INCLUDING COVER SHEET: 18  
(If you do not receive all pages, please call or fax sender).

Dear Mr. Freeman:

I am requesting a Fine Reduction for the property referenced above. Federal Home Loan Mortgage Corporation acquired this property through a forced title situation. The LP was filed 04/29/2008. The code lien was filed on 11/25/2009 against the previous owner, David L. Spire and Melanie L. Spire.

As of 05/10/10 the total payoff amount is \$7,060.81; I am offering a settlement of 50%, \$3, 531.00, which can be paid within the next 30 days. Please place this case on the Consent Agenda to be heard at the next available City Commission Meeting. I have included all the pertinent documentation for your review and decision. I eagerly look forward to the outcome of my request as this property is under contract and has a tentative closing date scheduled for 06/23/10.

Thank you very much for your consideration and assistance with expediting this request for us. If you have any questions, please feel free to contact me at 813-466-1196 Ext. 3515, via fax 813-902-6926 (please address to my attention) or via email at shunt@defaultlawfl.com.

Sally J. Hunt  
Code Lien Specialist

\*\*\*\*\*  
**THIS MESSAGE IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS  
ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND  
EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT  
THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE**



MAIL TO:  
516 8th Avenue West  
Palmetto, FL 34212  
(941) 723-4570 x111 Fax:  
(941) 723-4576

## Fax Payoff Letter

To: One Step Lien Search Sally Hunt  
From: Cheryl A. Miller  
Date: Monday, May 10, 2010  
RE: 1525 17th St W

Fax #: 813/902-6926  
305/328-9332  
Pages: 4

Full Name			
David & Melanie Spire			
Payoff Date	05/31/10	Payoff Amount	\$7,060.81
Date Recorded	OR Book	Page	PID #
11/25/09	2320		2800310359

Note: Please Reference Utility Acct #:  
Ref Acct # 561 for Code Enforcement. No charges due for Utilities.

We have reviewed our records and we show the above outstanding lien(s). We do not provide a guarantee there are no additional liens and complete research history should be done.

Monday, May 10, 2010

May 10 10 08:25a

City of Palmetto

9417234576

p.3

05/10/10 09:18:46 THROUGH 05/10/10  
ar325-1aCity of Palmetto  
A/R History ReportPage 1  
cmiller

CUSTOMER	INV/CHEK#	TYPE	REFERENCE	DUE DATE	CURRENT	30 DAYS	60 DAYS	90+ DAYS	ORIGINAL
561	David & Melanie Spire								
	407054772	CHE	CHE 9-18	12/30/09					
	407054852	ENG	SPIRE CHE 09-18	01/13/10				5,942.00	5,942.00
	407054922	FIN	FINANCE CHARGE	12/31/09				476.73	476.73
	407054996	FIN	FINANCE CHARGE	01/29/10				54.67	54.67
	407055079	FIN	FINANCE CHARGE	02/26/10				59.05	59.05
	407055144	FIN	FINANCE CHARGE	04/08/10				32.09	32.09
	407055213	FIN	FINANCE CHARGE	04/30/10				32.09	32.09
	** CUSTOMER TOTAL **	BAL DUE:		6,628.72	.00	32.09	32.09	6,564.54	6,628.72
0011152300	TOTAL	BAL DUE:		6,628.72	.00	32.09	32.09	6,564.54	6,628.72

12/9 4 days @ 100 400.00  
Interest @ 3% 7028.72  
3209  
7060.81

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

TAYLOR, BEAN AND WHITAKER MORTGAGE CORPORATION,  
Plaintiff,

vs.

CASE NO. 08 CA 3891 DIV. B  
DIVISION B

FILED FOR RECORD  
R.B. SHORE  
2010 APR 12 PM 1:05  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

SPACE FOR RECORDING ONLY F.S. § 695.26

DAVID L. SPIRE; MELANIE L. SPIRE;  
Defendant(s).

**AMENDED  
CERTIFICATE OF TITLE**

The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on March 19, 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in MANATEE County, Florida:

THE EAST « OF THE NORTHEAST - OF THE NORTHWEST - OF THE NORTHEAST - OF THE NORTHEAST - OF SECTION 15, TOWNSHIP 34 SOUTH, RANGE 17 EAST, LESS THE EAST 3 FEET THEREOF AND LESS ROAD RIGHT OF WAY FOR 17TH STREET, LYING AND BEING IN MANATEE COUNTY, FLORIDA; SUBJECT TO AN EASEMENT OVER AND ACROSS THE EAST 10 FEET AND THE SOUTH 18 FEET OF THE HEREINABOVE DESCRIBED PROPERTY AS DESCRIBED IN O.R. BOOK 2067, PAGE 2545

A/K/A 1525 17TH STREET WEST, PALMETTO, FL 34221

was sold to: Saxon Mortgage Services, Inc., whose address is: 4708 Mercantile Drive, Ft. Worth, TX 76137.

PURSUANT TO THE ORDER SUBSTITUTING PARTY PLAINTIFF ENTERED ON 2/10/10,  
WITNESS my hand and seal of the Court on APRIL 12, 2010, as Clerk of the Circuit Court.



R.B. Shore, III  
Clerk of the Circuit Court

P O BOX 25400  
BRADENTON, FLORIDA 34206

By: Vicky Alvarez-Saez  
Deputy Clerk

Prepared by and  
Copies furnished to: Attorney for Plaintiff  
Florida Default Law Group, P.L.  
P.O. Box 25018  
Tampa, Florida 33622-5018  
All parties on the attached service list.



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

TAYLOR, BEAN AND WHITAKER  
MORTGAGE CORPORATION,

Plaintiff,

vs.

CASE NO. 08 CA 3891 DIV. B  
DIVISION B

SPACE FOR RECORDING ONLY F.S. § 695.26

DAVID L. SPIRE; MELANIE L. SPIRE;

Defendant(s).

**UNIFORM FINAL JUDGMENT OF MORTGAGE FORECLOSURE**

*For mortgage foreclosure judgments entered in the Twelfth Judicial Circuit  
on or after December 1, 2008, pursuant to Administrative Order 2008-14.1*

**THIS** action was heard before the Court on Plaintiff's Motion for Summary Final Judgment. Based on the evidence presented and being otherwise fully informed in the premises, it is **ORDERED AND ADJUDGED** that:

1. The Plaintiff's Motion for Summary Judgment is **GRANTED**.

2. **Service of Process**

Service of process has been duly and regularly obtained over the following defendants:

DAVID L. SPIRE, MELANIE L. SPIRE, TENANT #1, TENANT #2, TENANT #3,  
and TENANT #4

3. **Amount Due**

There is due and owing to the Plaintiff the following:

Description	Amount
Unpaid principal balance due on the notes secured by the mortgage foreclosed as of 02/11/2010	\$258,642.81
INTEREST ON THE NOTE AND MORTGAGE FROM 01/01/2008 TO 02/01/2010	32,310.81
PER DIEM INTEREST AT 5.75% FROM 02/01/2010 TO 02/11/2010	407.50
PRE-ACCELERATED LATE CHARGES THROUGH April 23, 2008	0.00
Title Search	175.00
Title Examination	150.00
Property Taxes for the year(s) of	10,140.78
Insurance	4,286.00
Property Inspections (s)	0.00
Filing Fee	255.00
Service of Process 6 Service of Process @ \$45.00 2 Out of State Locate(s) @ \$90.00 2 Service of Process @ \$40.00	530.00
<b>SUBTOTAL:</b>	<b>306,897.9</b>
<b>ATTORNEY'S FEE</b>	<b>1,200.00</b>
<b>GRAND TOTAL</b>	<b>\$308,097.90</b>

4. **Interest**

The total amount referenced in Paragraph 3 shall bear interest from this date forward at the prevailing legal rate of interest.

5. **Lien on Property**

Plaintiff, whose address is 4708 Mercantile Drive, Ft. Worth, TX 76137, holds a lien for the total amount specified in Paragraph 3. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the Defendants and all persons, corporations, or other entities, claiming by, through, or under the Defendants or any of them and the property will be sold free and clear of all claims of the Defendants, with the exception of any assessments that are superior pursuant to Section 718.116, Florida Statutes. The Plaintiff's lien encumbers the subject property described as:

a. County: MANATEE

b. Property Address: 1525 17TH STREET WEST

c. Legal Description:

THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 34 SOUTH, RANGE 17 EAST, LESS THE EAST 3 FEET THEREOF AND LESS ROAD RIGHT OF WAY FOR 17TH STREET, LYING AND BEING IN MANATEE COUNTY, FLORIDA; SUBJECT TO AN EASEMENT OVER AND ACROSS THE EAST 10 FEET AND THE SOUTH 18 FEET OF THE HEREINABOVE DESCRIBED PROPERTY AS DESCRIBED IN O.R. BOOK 2067, PAGE 2545

d. Parcel ID Number: 2800310359

6. **Sale of Property**

If the total amount with interest at the rate described in Paragraph 3 and all costs accrue subsequent to this Judgment are not paid, the Clerk of the Court shall sell the subject property at public sale after having first given notice as required by Section 45.031, Florida Statutes, as follows:

Sales Information	Date (Clerk Inserts)	Time	Location
Sarasota County		9:00 a.m.	Foreclosure sales conducted via Internet: <a href="http://www.sarasota.realforeclose.com">www.sarasota.realforeclose.com</a>
Manatee County	3-19-10	11:00 a.m.	Foreclosure sales conducted via Internet: <a href="http://www.manatee.realforeclose.com">www.manatee.realforeclose.com</a>
DeSoto County		11:00 a.m.	DeSoto County Courthouse 115 Oak Street Arcadia, Florida 34266 <a href="http://www.desotoclerk.com">www.desotoclerk.com</a>

7. **Costs**

Plaintiff shall advance all subsequent costs of this action and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for sale. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this Judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording and certifying the same and title that shall be assessed as costs.

If a third party bidder is the purchaser, the third party bidder must pay the documentary stamps attached to the certificate of title in addition to the bid.

If Plaintiff incurs additional expenses subsequent to the entry of this final judgment but prior to the sale date specific in Paragraph 6, Plaintiff may, by written motion served on all parties, seek to amend this final judgment to include said additional expense and applicable registry fees.

**8. Defendants' Right of Redemption**

On filing of the Certificate of Sale, Defendant's right of redemption as prescribed by Section 45.0315, Florida Statutes, shall be terminated.

**9. Distribution of Proceeds of the Sale**

On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate, unless the property is purchased by a third party bidder; third, Plaintiff's attorney's fees; fourth, the sum total due to the Plaintiff, less the items paid, plus interest at the rate proscribed in Paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this court.

**10. Foreclosure of Claims**

Upon the filing of the Certificate of Title, Defendant and all persons claiming under or against Defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.

**11. Attorneys Fees.** See Paragraph below regarding Plaintiff's attorney's fees.

**12. NOTICE PURSUANT TO § 45.031, FLORIDA STATUTES (2006).**

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 sixty (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 Court for your county 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.

Sarasota County Clerk of Court	Manatee County Clerk of Court	DeSoto County Clerk of Court
2000 Main Street Sarasota, Florida 34237	115 Manatee Ave W Bradenton, FL 34205	115 East Oak Street Arcadia, FL 34266



(941) 861-7400 www.sarasotaclerk.com	(941) 749-1800 www.manateeclerk.com	(863) 993-4876 www.desotoclerk.com
---	--	---------------------------------------

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 help to 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 the local legal services listed below 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 one of the services listed below, you should do so as soon as possible after the receipt of this notice.

Sarasota County	Manatee County	DeSoto County
<b>Legal Aid of Manasota</b> <b>Sarasota Office</b> 1900 Main Street, Suite 302 Sarasota, Florida 34236 (941) 366-0038 <b>Venice Office</b> 7810 South Tamiami Trail Suite A6 Venice, Florida 34293	<b>Legal Aid of Manasota</b> 1101 6 <sup>th</sup> Avenue West Bradenton, Florida 34205 (941) 747-1628 <a href="http://www.gulfcoastlegal.org">www.gulfcoastlegal.org</a> <b>Gulfcoast Legal Service</b> 430 12 <sup>th</sup> Street West Bradenton, Florida 34205	Fla. Rural Legal Service 3210 Cleveland Avenue, Suite A Ft. Meyers, Florida 33901 (800) 476-8937 <a href="http://www.flrs.org">www.flrs.org</a>

### 13. Additions, Modifications or Changes to Standard Form

Any additions, modifications or changes to the provisions above may only be set forth in this paragraph.

a. The court finds based upon Section 702.065(2)(2006), Florida Statutes, the affidavits filed herein, inquiry of counsel for Plaintiff, and upon consideration of the legal services rendered, the complexity of the foreclosure action, the amount of time and labor reasonably expended by lawyers in the community in prosecuting routine mortgage foreclosure actions, Florida Default Law Group, P.L.'s flat fee agreement with its client and Florida law, that the fee sought by Florida Default Law Group, P.L. is reasonable and awards a fee of One thousand, Two hundred and 00/100 Dollars (\$1,200.00.) For all legal services performed in this uncontested residential foreclosure, Florida Default Law Group, P.L. has agreed to charge, and this client has agreed to pay, a flat rate of One thousand, Two hundred and 00/100 Dollars (\$1,200.00.) In the event the matter becomes contested, Florida Default Law Group, P.L. has agreed to charge, and its client has agreed to pay, an hourly fee up to \$175.00 per hour for services related to the contested issues. In no event does Florida Default Law Group, P.L. seek to recover attorney's fees greater than the amount billed to and paid by its client.

b. If Plaintiff is the purchaser, the bid may be assigned without further Order of this Court.

c. Any Homeowner Association assessments which are owed are subject to the Association's rights pursuant to Florida Statute 720.3085 (2008.)

d. The equities of this action are in favor of Plaintiff and Plaintiff is entitled to reformation of the MORTGAGE.

Inadvertently, and contrary to the clear intentions of the parties to the MORTGAGE a scrivener's error resulted from mutual mistake. Consequently, the legal description contained the following underlined and highlighted error:

**THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 34 SOUTH, RANGE 17 EAST, LESS THE EAST 3 FEET THEREOF AND LESS ROAD RIGHT OF WAY FOR 17TH STREET, LYING AND BEING IN MANATEE COUNTY, FLORIDA**

The above legal description omits the easement. It should end as follows:

**LYING AND BEING IN MANATEE COUNTY, FLORIDA; SUBJECT TO AN EASEMENT OVER AND ACROSS THE EAST 10 FEET AND THE SOUTH 18 FEET OF THE HEREINABOVE DESCRIBED PROPERTY AS DESCRIBED IN O.R. BOOK 2067, PAGE 2545**

The legal description of the MORTGAGE that was recorded on October 11, 2005 in Official Records Book 2067, at Page 2547 of the Public Records of MANATEE County, Florida is hereby reformed, nunc pro tunc to the date of the initial recording of the MORTGAGE, to read as follows:

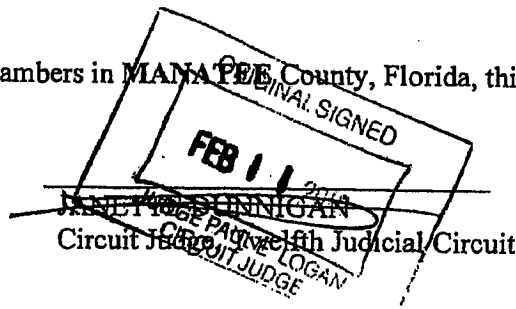
**THE EAST ½ OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 34 SOUTH, RANGE 17 EAST, LESS THE EAST 3 FEET THEREOF AND LESS ROAD RIGHT OF WAY FOR 17TH STREET, LYING AND BEING IN MANATEE COUNTY, FLORIDA; SUBJECT TO AN EASEMENT OVER AND ACROSS THE EAST 10 FEET AND THE SOUTH 18 FEET OF THE HEREINABOVE DESCRIBED PROPERTY AS DESCRIBED IN O.R. BOOK 2067, PAGE 2545**

**14. Retention of Jurisdiction**

This Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, writs of possession and deficiency judgments.

**DONE AND ORDERED** in Chambers in MANATEE County, Florida, this  
\_\_\_\_ day of January, 2010.

*Copies furnished to all parties.*



## **Service List**

Florida Default Law Group, P.L.  
PO Box 25018  
Tampa, FL 33622-5018

DAVID L. SPIRE  
5515 90th Avenue Circle East  
Parrish, FL 34219

MELANIE L. SPIRE  
5515 90th Avenue Circle East  
Parrish, FL 34219

IN THE CIRCUIT COURT OF THE TWELFTH  
JUDICIAL CIRCUIT IN AND FOR MANATEE COUNTY,  
FLORIDA  
CIVIL ACTION  
TAYLOR, BEAN AND WHITAKER MORTGAGE  
CORPORATION,

Plaintiff,  
vs.

CASE NO.  
DIVISION

2008-*CA* -003891  
*B*

SPACE FOR RECORDING ONLY F.S. 695.26

FILED FOR RECORD  
R.B. SHORE  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA  
2008 AP 29 PM 1:52  
*SA*

DAVID L. SPIRE; MELANIE L. SPIRE; ANY AND ALL UNKNOWN PARTIES CLAIMING BY,  
THROUGH, UNDER, AND AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) WHO ARE  
NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN  
INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS; TENANT #1,  
TENANT #2, TENANT #3, and TENANT #4 the names being fictitious to account for parties in possession  
Defendant(s).

NOTICE OF LIS PENDENS

To the above-named Defendant(s) and all others whom it may concern:

You are notified of the institution of this action by the above-named Plaintiff, against you seeking to foreclose a  
mortgage recorded in Official Records Book 2067, Page 2547, on the following property in MANATEE County,  
Florida:

THE EAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF  
THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 34 SOUTH, RANGE 17 EAST, LESS THE  
EAST 3 FEET THEREOF AND LESS ROAD RIGHT OF WAY FOR 17TH STREET, LYING AND  
BEING IN MANATEE COUNTY, FLORIDA; SUBJECT TO AN EASEMENT OVER AND ACROSS  
THE EAST 10 FEET AND THE SOUTH 18 FEET OF THE HEREINABOVE DESCRIBED  
PROPERTY AS DESCRIBED IN O.R. BOOK 2067, PAGE 2545

Dated this 28<sup>th</sup> day of April, 2008.

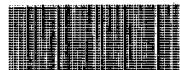
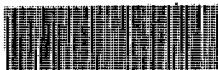
Florida Default Law Group, P.L.  
P.O. Box 25018  
Tampa, Florida 33622-5018  
(813) 251-4766

By: *Colleen E. Lehmann*  
Colleen E. Lehmann  
Florida Bar No. 33496  
Lindsey Diehl  
Florida Bar No. 27688  
Anne M. Cruz-Alvarez  
Florida Bar No. 17140

TAYLOR-SPECFHI.MC-R-ajayska

FILE\_NUMBER: F08033703

DOC\_ID: M000105





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.

David Spire  
Melanie Spire  
1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221

Case No. CEB - 09-18

Respondent.

**REPORT OF COMPLIANCE**

This is notice that pursuant to the Administrative Order of the Code Enforcement Board of the City of Palmetto dated September 29, 2009, and the Order Imposing Fine And Lien dated October 27, 2009, the violation of the Palmetto City Code in this matter was corrected on December 4, 2009.

*B. Stolls*

Director, Code Enforcement

cc: (property owner)





# PALMETTO

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.

David Spire  
Melanie Spire  
1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221  
Respondent

I, THE CITY CLERK OF THE CITY OF PALMETTO,  
FLORIDA, DO HEREBY CERTIFY THAT THE  
ABOVE AND FOREGOING IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL THEREOF  
ON FILE IN MY OFFICE WITNESS MY HAND AND  
SEAL OF SAID CITY THIS 19 DAY OF November  
A.D., 2009

  
CITY CLERK, CITY OF PALMETTO, FLORIDA

Case No. CEB 09-18

Re Violation Location: 1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221

Legal Description: E1/2 OF NE1/4 OF NW1/4 OF NE1/4 OF SEC 15 T2N  
34 R2G 17, LESS THE E 3 FT THEREOF & LESS RD R/W FOR  
17<sup>TH</sup> ST (2067/2545) Township 34S, Range 17E, Section 15

Parcel ID #: PI#28003.1035/9

## ADMINISTRATIVE ORDER

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on  
September 29, 2009, 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 cover on the pool located at the south side of the property is in disrepair allowing for breeding of mosquitoes in the stagnant water.
- The above noted property is overgrown.

Spire  
Administrative Order  
September 29, 2009  
Page 2 of 2

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, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26 (1) & (3) and Section 16-27(a), (b), & (c):

ORDER

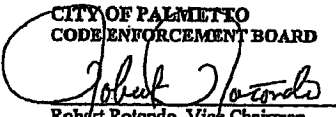
The Respondents, David and Melanie Spire, are found in violation of the Palmetto Code of Ordinances as noticed and given until October 6, 2009, to comply with the Palmetto Code of Ordinances cited above. If the aforementioned action is not taken by October 6, 2009, a fine of up to \$250.00 per day may be imposed for each day the violation continues past the date and time specified herein. The Respondents are entitled to notice and an opportunity to be heard prior to a fine being assessed. A Public Hearing will be held on October 27, 2009, to determine if the violation has been corrected. Administrative costs incurred by the City in the prosecution of the case in the amount of \$383.00, plus any applicable recording fees, are hereby assessed. Upon recording, such costs shall constitute a lien and shall continue with interest accruing.

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.

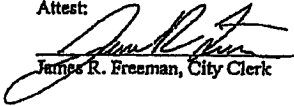
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of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

Done and ordered this 29<sup>th</sup> day of September, 2009.

CITY OF PALMETTO  
CODE ENFORCEMENT BOARD

  
Robert Rotondo, Vice 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 1<sup>st</sup> day of October, 2009.

  
Deanna Roberts, Clerk of the Board

**PALMETTO**

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  
Web: 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.

David Spire  
Melanie Spire  
1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221

Respondents:

I, THE CITY CLERK OF THE CITY OF PALMETTO,  
FLORIDA, DO HEREBY CERTIFY THAT THE  
ABOVE AND FOREGOING IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL THEREOF  
ON FILE IN MY OFFICE WITNESS MY HAND AND  
SEAL OF SAID CITY THIS 19 DAY OF November  
A.D., 20 09

*[Signature]*  
CITY CLERK, CITY OF PALMETTO, FLORIDA

Case No. CEB 09-18

**ORDER IMPOSING FINE AND LIEN**

Violation Location: 1525 17<sup>th</sup> Street West  
Palmetto, Florida 34221

On October 27, 2009, 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 September 29, 2009. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".



Spire  
Order Imposing Fine and Lien  
October 27, 2009  
Page 2 of 3

2. The Order required the Respondent to comply with the Palmetto Code of Ordinances, as cited, by October 6, 2009. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on October 1, 2009, and posted on the property and at City Hall on October 2, 2009.
3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on October 27, 2009, 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 October 27, 2009, was posted at Palmetto City Hall.
4. At the October 27, 2009, 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 September 29, 2009.

#### 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 September 29, 2009, 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.

Spire  
Order Imposing Fine and Lien  
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## ORDER

Based on the foregoing, the Code Enforcement Board imposes a fine of \$100.00 per day commencing October 6, 2009, and continuing until the property is brought into compliance. 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 judgment is rendered in a suit to foreclose on the lien created herein.

Date: October 27, 2009

  
Charles W. Leonard, Chair  
Code Enforcement Board

Attest:

  
Diane Ponder, Deputy Clerk-Administration