

TAB 7



City of Palmetto Agenda Item

Meeting Date

4/18/11

Presenter: Jim Freeman

Department: Code Enforcement

Title:

Appeal of Code Enforcement Lien by RE/MAX Alliance Group for CITIMORTGAGE, Inc.

The property that is the subject of this Commission review is located at 412 20th Avenue West, Palmetto, Florida, Parcel ID # 28670.0005/9 Township 34S, Range 17E, Section 15. The violations included open storage issues and debris littering the property including mattresses, auto parts, and a motor vehicle frame.

The former owners, John E. Matheny, Jr. and Jill Ann Matheny, are still identified as the owners of the property through the Manatee County Property Appraiser's and Tax Collector's web sites as of April 1, 2011. The house is a rental and currently remains vacant; a mortgage foreclosure on this property was filed in the Manatee County Court, case number 2008-CA-011278. A Certificate of Sale was recorded on March 15, 2011 awarding the property to the Plaintiff, CitiMortgage, Inc. The former owners were granted a Discharge of Joint Debtors by the United States Bankruptcy Court, Case No. 09-51821, Chapter 7, on March 30, 2010. Representatives of the mortgagee, Citimortgage, Inc., reported being unable to remediate any code violations while the bankruptcy action was pending.

A prior code enforcement case involving the owners, John & Jill Matheny, CEB 09-27, concerned a rental house adjacent to this property, 408 20th Avenue West, Palmetto, Florida. That property was brought into compliance by Citimortgage, Inc, effective November 30, 2009.

On January 5, 2010 Code Enforcement performed a security check of this vacant house at 412 20th Avenue West. In the process of securing the building, a number of items were noted on the property – two discarded mattresses, a car frame, various motor vehicle parts, and personal belongings. Bill Strollo contacted a representative of Citimortgage the following day to request they clear the debris from the property, and the bank representative responded that they were no longer able to access the property due to the Respondents' pending bankruptcy. A Notice of Violation was issued on January 7, 2010 charging the Respondents, John & Jill Matheny, as repeat violators.

Follow-up visits revealed the property remained in violation of City codes. On January 13, 2010 this case was scheduled for the January 26, 2010 Code Enforcement Board Hearings as CEB 10-03. On that date the Code Enforcement Board found the Matheny's in violation of City of Palmetto Code of Ordinances and fined them \$500.00 per day commencing January 5, 2010. The Administrative Order Imposing Fine was Faxed to the CitiMortgage Property Preservation Unit who responded that they would request permission to enter the property through the owners' bankruptcy attorney. All of the violations were cured with the exception of the car frame, and a Report of Compliance was issued effective March 8, 2010.

The property has been maintained in compliance since this date, and the CitiMortgage property preservation team recently removed the car frame from the property.

The current City lien totals \$35,262.66; \$33,612.65 is the Code Enforcement fine and \$1,650.01 is the utility lien. The Finance Department is in possession of a check that will satisfy the utility portion of this lien. RE/MAX Alliance Group is offering \$1,500 to satisfy the Code Enforcement lien.

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

Additional Budgetary Information:

Funding Source(s):		Sufficient Funds Available:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Budget Amendment Required:	<input type="checkbox"/> Yes <input type="checkbox"/> No	Source:	
---------------------------	--	------------------------------------	---	-----------------------------------	---	----------------	--

City Attorney Reviewed:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	Advisory Board Recommendation:	<input type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> N/A	Consistent With:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
--------------------------------	---	---------------------------------------	--	-------------------------	---	--

Potential Motion/ Direction Requested:

The final tool available for Code Enforcement to achieve compliance is the imposition of a fine. The intent of the Code Enforcement Board in imposing a \$500.00 per day fine on January 26, 2010 was to obtain timely remediation of the violations. The fine had its desired effect in that the violations were corrected within six weeks of this hearing. Staff recommends no reduction in the fine amount.

Staff Contact:

--	--	--

Attachments:

NOV, NOH, AO Imposing Fine, Report of Compliance, Bankruptcy Docs, Foreclosure Docs, pictures

Case Information

Case Number:	41 2008 CA 011278	File Date:	11/26/2008
Case Type:	Mortgage Foreclosure	Case Status:	ReOpen
Case Action Code:	MORTGAGE FORECLOSURE	Judge:	DIANA L MORELAND
Judgment Date:	2/10/2011	Judgment Amount:	\$87,206.05
Sale Date:	3/15/2011 (ONLINE SALE)	Title Date:	3/28/2011

Parties

	Party Type	Name	Gender	Race	DOB
1	Plaintiff	CITIMORTGAGE INC <i>ATTORNEY: HUMPHREY, KIMBERLY ANNE</i>			
2	Defendant	MATHENY J , JOHN E			
3	Defendant	MATHENY, JILL ANN			
4	Defendant	ZENOBI, KEVIN			
5	Defendant	ZENOBI, TAMARA			

Dockets









































	Image	Date	Description
1		11/26/2008	COMPLAINT
2		11/26/2008	SUMMONS ISSUED EACH DEFENDANT AND HANDED TO PROCESS SERVER
3		11/26/2008	NOTICE OF LIS PENDENS-RECORDED
4		11/26/2008	FEE FOR ISSUANCE OF CIRCUIT COURT SUMMONS Receipt: 31342163 Date: 11/26/2008
5		11/26/2008	CIRCUIT COURT FILING FEE ASSESSED Receipt: 31342163 Date: 11/26/2008
6		11/26/2008	CIVIL ATTACHMENT TO COMPLAINT
7		11/26/2008	CIVIL COVER SHEET
8		01/10/2009	NONMILITARY AFFIDAVIT
9		01/10/2009	MOTION FOR DEFAULT
10		01/20/2009	SUMMONS SERVED UNKNOWN PARTIES IN POSSESSION 2 NKA TAMARA ZENOBI 12-4-2008
11		01/20/2009	SUMMONS SERVED UNKNOWN PARTIES IN POSSESSION 1 NKA KEVIN ZENOBI 12/4/2008
12		01/21/2009	SUMMONS SERVED JILL ANN MATRENY
13		01/21/2009	SUMMONS SERVED JOHN E MATHENY 12-15-2008
14		01/21/2009	DEFAULT ENTERED BY CLERK Circuit Default Sent on: 01/21/2009 15:28:17
15		05/05/2010	NOTICE OF FILING DISCHARGE OF JOINT DEBTORS
16		08/02/2010	NOTICE OF CHANGE OF ADDRESS FOR PLAINTIFFS COUNSEL
17		08/16/2010	AFFIDAVIT OF COSTS
18		08/16/2010	MOTION FOR SUMMARY JUDGMENT
19		08/16/2010	NOTICE OF FILING - EFILED COPY OF ASSIGNMENT OF MORTGAGE
20		08/16/2010	AFFIDAVIT AS TO ATTORNEYS FEES
21		08/16/2010	AFFIDAVIT IN SUPPORT OF MOTION FOR FINAL SUMMARY JUDGMENT
22		08/16/2010	AFFIDAVIT OF PLAINTIFFS COUNSEL
23		08/16/2010	NOTICE OF FILING - EFILED COPY OF MORTGAGE
24		08/16/2010	NOTICE OF FILING - EFILED COPY OF NOTE
25		08/17/2010	NOTICE OF FILING ORIGINAL NOTE
26		08/17/2010	NOTICE OF FILING ORIGINAL MORTGAGE
27		08/17/2010	NOTICE OF FILING COPY OF ASSIGNMENT OF MORTGAGE
28		09/22/2010	PROPOSED NOTICE OF SALE
29		09/22/2010	NOTICE OF FILING-AFFIDAVIT IN SUPPORT OF MOTION FOR FINAL SUMMARY JUDGMENT
30		09/22/2010	PROPOSED CERTIFICATE OF SALE

	Image	Date	Description
31		09/22/2010	NOTICE OF FILING-AMENDED AFFIDAVIT OF COST
32		09/22/2010	PROPOSED CERTIFICATE OF TITLE
33		09/22/2010	SUMMARY JUDGMENT CHECKLIST
34		09/22/2010	PROPOSED CERTIFICATE OF DISBURSEMENTS
35		09/22/2010	PROPOSED UNIFORM FINAL JUDGMENT OF MORTGAGE FORECLOSURE
36		10/25/2010	COURT EVENT Event: MOTION HEARING Date: 11/04/2010 Time: 09:00 AM Judge: JUDGE HARRY RAPKIN Location: COURTROOM 4-E
37		10/28/2010	NOTICE OF CANCELLATION
38		11/01/2010	HEARING CANCELLED The following event: MOTION HEARING scheduled for 11/04/2010 at 09:00 AM has been resulted as follows: Result: CANCELLED Judge: JUDGE HARRY RAPKIN Location: COURTROOM 4-E
39		12/03/2010	NOTICE OF CANCELLATION
40		12/15/2010	PROPOSED CERTIFICATE OF SALE
41		12/15/2010	PROPOSED CERTIFICATE OF DISBURSEMENTS
42		12/15/2010	SUMMARY JUDGMENT CHECKLIST
43		12/15/2010	NOTICE OF FILING AFFIDAVIT IN SUPPORT OF MOTION FOR FINAL SUMMARY JUDGMENT
44		12/15/2010	PROPOSED CERTIFICATE OF TITLE
45		12/15/2010	PROPOSED NOTICE OF SALE
46		12/15/2010	PROPOSED UNIFORM FINAL JUDGMENT OF MORTGAGE FORECLOSURE
47		01/14/2011	AMENDED NOTICE OF HEARING
48		01/27/2011	COURT EVENT Event: MOTION HEARING Date: 02/10/2011 Time: 09:00 AM Judge: JUDGE HARRY RAPKIN Location: COURTROOM 4-E
49		02/10/2011	FINAL JUDGMENT OF MORTGAGE FORECLOSURE FILED IN OPEN COURT - RECORDED
50		02/18/2011	NOTICE OF SALE ISSUED BY ATTORNEY
51		03/07/2011	PROOF OF PUBLICATION - NOTICE OF SALE FOR SALE SCHEDULED - 3/15/11
52		03/09/2011	MOTION TO CANCEL AND RESCHEDULE FORECLOSURE SALE
53		03/09/2011	PROPOSED ORDER ON PLAINTIFFS MOTION TO CANCEL AND RESCHEDULE FORECLOSURE SALE
54		03/14/2011	ORDER ON MOTION TO CANCEL AND RESCHEDULE FORECLOSURE SALE - DENIED
55		03/15/2011	FORECLOSURE SALE/CLERK'S FEE - CIRCUIT COURT Receipt: 31463897 Date: 03/16/2011
56		03/15/2011	FEE PAID BY SUCCESSFUL BIDDER FOR ELECTRONIC SALE F.S.45.035(3) Receipt: 31463897 Date: 03/16/2011
57		03/15/2011	FORECLOSURE SALE BID SHEET
58		03/15/2011	CERTIFICATE OF SALE
59		03/15/2011	JUDICIAL CONFIRMATION MOTION TO CANCEL THE SALE - DENIED
60		03/16/2011	PROPOSED CERTIFICATE OF NO DISBURSEMENT
61		03/16/2011	NOTICE OF FILING ASSIGNMENT OF BID

Disposition

	Status	Status Date	Disposition Code	Disp Date	Judge
1	Closed	11/26/2008	DISPOSED BY DEFAULT	02/10/2011	MORELAND , DIANA L
2	ReOpen	03/09/2011	UNDISPOSED		MORELAND , DIANA L

Events

	Date	Start Time	End Time	Event Type	Judge	Result
1	11/04/2010	9:00:00 AM	9:00:00 AM	MOTION HEARING	RAPKIN, HARRY	CANCELLED
	Location: COURTROOM 4-E					
2	02/10/2011	9:00:00 AM	9:00:00 AM	MOTION HEARING	RAPKIN, HARRY	
	Location: COURTROOM 4-E					

Financial Summary

	Docket Application	Owed	Paid	Dismissed	Due
1	FILING FEE	\$300.00	\$300.00	\$0.00	\$0.00
2	SUMMONS FEE	\$40.00	\$40.00	\$0.00	\$0.00
3	SERVICE CHG	\$70.00	\$70.00	\$0.00	\$0.00
4	COURT COSTS	\$70.00	\$70.00	\$0.00	\$0.00
	Total	\$480.00	\$480.00	\$0.00	\$0.00

Receipts

	Date	Receipt	Received From	Payment Amount	Applied Amount	Change Returned
1	11/26/2008	31342163	SHAPIRO & FISHMAN ESQ	\$340.00	\$340.00	\$0.00
2	03/16/2011	31463897	SHAPIRO AND FISHMAN UDC AR500698	\$140.00	\$140.00	\$0.00

IN THE CIRCUIT OF THE 12th JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR MANATEE COUNTY

CitiMortgage, Inc.,

Plaintiff,

-vs.-

John E. Matheny, Jr. and Jill Ann Matheny,
His Wife; Unknown Parties in Possession #1;
Unknown Parties in Possession #2; If living,
and all Unknown Parties claiming by,
through, under and against the above named
Defendant(s) who are not known to be dead or
alive, whether said Unknown Parties may
claim an interest as Spouse, Heirs, Devisees,
Grantees, or Other Claimants

Defendant(s).

Case #: 2008-CA-011278

Division #: B

UNC:

CLERK OF CIRCUIT COURT
MANATEE CO., FLORIDA

2011 MAR 15 PM 2:38

FILED FOR RECORD
R.B. SHORE

CERTIFICATE OF SALE

The undersigned, RICHARD B. SHORE, III, Clerk of the Court, certifies that notice of public sale of property described in the Order or Final Judgment was published in the Gulf Coast Business Review, a newspaper circulated in Manatee County, Florida, in manner shown by the Proof of Publication filed in this cause, ^{attached} and on March 15, 2011 the property was offered for public sale to the highest bidder for cash. The highest and best bid received for the property in the amount of \$18,400.00 was submitted by Plaintiff, to whom the property was sold. The proceeds of the sale are retained for distribution in accordance with the Order or Final Judgment or law.

WITNESS my hand and seal of this Court, on the 15th day of March, 2011.

RICHARD B. SHORE, III, CLERK

By: His Deputy
Deputy Clerk



I HEREBY CERTIFY that a true and correct copy of the foregoing Certificate of Sale
was mailed on the 15th day of March, 2011, to:

SHAPIRO & FISHMAN, LLP 4630 Woodland Corporate Blvd., Suite 100, Tampa, FL 33614

JOHN E. MATHENY, JR., 146 MONTIBELLO DRIVE, MOORESVILLE, NC 28117

JILL ANN MATHENY, 146 MONTIBELLO DRIVE, MOORESVILLE, NC 28117

UNKNOWN PARTIES IN POSSESSION #1 N/K/A KEVIN ZENOBI, 412 20TH AVENUE
WEST, PALMETTO, FL 34221

OCCUPANTS, 412 20TH AVENUE WEST, PALMETTO, FL 34221

UNKNOWN PARTIES IN POSSESSION #2 N/K/A TAMARA ZENOBI, 412 20TH AVENUE
WEST, PALMETTO, FL 34221

RICHARD B. SHORE, III
CLERK OF THE CIRCUIT COURT

BY: Chris Galt
Deputy Clerk



"THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE".08-117281

11-0333M

Invoice/Serial Number

GULF COAST
BUSINESS REVIEW

Published Weekly
Longboat Key, Manatee County, Florida

COUNTY OF MANATEE

S.S. 2008-CA-011278 Div B

STATE OF FLORIDA

Before the undersigned authority personally appeared Mary K. Faulkner
who on oath says that he/she is Publisher's Representative of the Gulf Coast Business
Review, a weekly newspaper published at Longboat Key in Manatee County, Florida;
that the attached copy of advertisement,

being a Notice of Sale
in the matter of CitiMortgage vs. John E Matheny Jr et al
in the Circuit Court, was published in said newspaper in the
issues of February 18, 25, 2011

Affiant further says that the said Gulf Coast Business Review is a newspaper
published at Longboat Key, Manatee County, Florida, and that said newspaper has
heretofore been continuously published and has been entered as periodicals matter
at the Post Office in Longboat Key in said Manatee County, Florida, for a period of
one year next preceding the first publication of the attached copy of advertisement;
and affiant further says that he/she has neither paid nor promised any person, firm or
corporation any discount, rebate, commission or refund for the purpose of securing
this advertisement for publication in said newspaper.

Mary K. Faulkner
Mary K. Faulkner

Sworn to and subscribed before me this

25th day of February A.D. 2011,
by Mary K. Faulkner, who is personally known to me.

Audrey Leihser

Notary Public, State of Florida
(S:1A1.)

NOTARY PUBLIC-STATE OF FLORIDA
Audrey Leihser
Commission # EE040679
Expires: NOV. 08, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

NOTICE OF SALE
IN THE CIRCUIT COURT OF
THE 12th JUDICIAL CIRCUIT OF
FLORIDA, IN AND FOR
MANATEE COUNTY
CASE #: 2008-CA-011278
Division #: B

CitiMortgage, Inc.
Plaintiff, vs.-
John E. Matheny, Jr. and Jill Ann
Matheny, His Wife; Unknown
Parties in Possession #1; Unknown
Parties in Possession #2; If living,
and all Unknown Parties claiming
by, through, under and against the
above named Defendant(s) who
are not known to be dead or alive,
whether said Unknown Parties
may claim an interest as Spouse,
Heirs, Devisees, Grantees, or Other
Claimants
Defendant(s).

NOTICE IS HEREBY GIVEN pursu-
ant to an Order of Final Judgment of
Foreclosure dated February 10, 2011,
entered in Civil Case No. 2008-CA-
011278 of the Circuit Court of the 12th
Judicial Circuit in and for Manatee
County, Florida, wherein CitiMortgage,
Inc., Plaintiff and John E. Matheny, Jr.
and Jill Ann Matheny, His Wife are
defendant(s), I will sell to the high-
est and best bidder for cash VIA THE
INTERNET AT WWW.MANATEE.
REALFORECLOSE.COM, AT 11:00
A.M. on March 15, 2011, the following
described property as set forth in said
Final Judgment, to-wit:

BEGIN 210 FEET NORTH
AND 8 FEET EAST OF THE
SW CORNER OF THE SE 1/4
OF SECTION 15, TOWNSHIP
34 SOUTH, RANGE 17 EAST,
MANATEE COUNTY, FLORI-
DA; THENCE EAST 76 FEET;
NORTH 66 FEET; WEST 76
FEET; SOUTH 66 FEET TO THE
POINT OF BEGINNING.

ANY PERSON CLAIMING AN IN-
TEREST IN THE SURPLUS FROM
THE SALE, IF ANY, OTHER THAN
THE PROPERTY OWNER AS OF
THE DATE OF THE LIS PENDENS
MUST FILE A CLAIM WITHIN 60
DAYS AFTER THE SALE.

If you are a person with a disability
who needs any accommodation in or-
der to participate in this proceeding,
you are entitled, at no cost to you, to
the provision of certain assistance.
Please contact the Manatee County
Jury Office, P.O. Box 25400, Braden-
ton, Florida 34206, (941) 741-4062, at
least seven (7) days before your sched-
uled court appearance, or immediately
upon receiving this notification if the
time before the scheduled appearance
is less than seven (7) days. If you are
hearing or voice impaired, call (941) 741-4062.

Submitted by:
ATTORNEY FOR PLAINTIFF:
SHAPIRO & FISHMAN, LLP
4630 Woodland Corporate Blvd.
Suite 100
Tampa, FL 33614
(813) 880-8888
(813) 880-8800
08-117281

February 18, 25, 2011 11-0333M



**UNITED STATES BANKRUPTCY COURT
Western District of North Carolina
Wilkesboro Division**

Case No. 09-51821
Chapter 7

In Re: Debtor(s) (name(s) used in the last 8 years, including married, maiden, trade, and address):

John E. Matheny Jr.
488 Oak Tree Road
Mooresville, NC 28117
Social Security No.: xxx-xx-8114

Jill Ann Matheny
146 Montibello Dr.
Mooresville, NC 28117
Social Security No.: xxx-xx-2682

DISCHARGE OF JOINT DEBTORS

It appearing that the debtors are entitled to a discharge,

IT IS ORDERED:

The debtors are granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

Dated: March 30, 2010

BY THE COURT

J. Craig Whitley
United States Bankruptcy Judge

Electronically filed and signed (3/30/10)

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person(s) named in the order. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor(s), a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the discharged debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.



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**

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

John E. Matheny, Jr.
Jill Ann Matheny
488 Oak Tree Road
Mooreville, North Carolina 28117

Case No. CEB – 10-03

Respondent.

REPORT OF COMPLIANCE

This is notice that pursuant to the Administrative Order Imposing Fine of the Code Enforcement Board of the City of Palmetto dated January 26, 2010, the violation of the Palmetto City Code in this matter was corrected effective March 8, 2010.



Director, Code Enforcement

cc: (property owner)



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**

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 10-03

John E. Matheny, Jr.
488 Oak Tree Rd.
 Mooresville, NC 28117

Jill Ann Matheny
146 Montibello Dr.
 Mooresville, NC 28117
Respondents

Re Property of:

John E. Matheny, Jr.
Jill Ann Matheny
412 20th Avenue West
Palmetto, FL 34221

Legal Description:

**BEG 210 FT N AND 9 FT E OF THE SW COR OF SE1/4 OF SEC
15 TH E 76 FT, TH N 65 FT, TH W 76 FT, TH S 65 FT TO THE
POB Township 34S, Range 17E, Section 15**

Parcel ID #:

PI#28670.0005/9

ADMINISTRATIVE ORDER IMPOSING FINE

THIS MATTER came before the City of Palmetto Code Enforcement Board for Public Hearing on January 26, 2010, at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondents, 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 412 20th Avenue West, Palmetto, FL.

2. The Respondents, John E. Matheny, Jr. and Jill Ann Matheny, are the owners of the subject property and have been given proper notice of the hearing.
3. There exists on the Respondent's property located at 412 20th Avenue West personal belongings that are stored in plain view of arterial streets in a residentially zoned district. The yards of this property contain mattresses, a car frame, motor vehicle parts and other debris that negatively affect the value of the adjacent properties.

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. Respondents have violated Palmetto Code of Ordinances, Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a); Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, and Section 16-27(a), (b), & (c):

ORDER

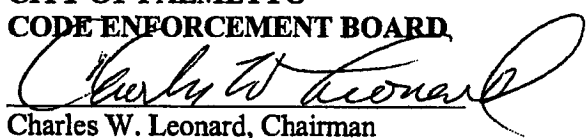
The Respondents, John E. Matheny, Jr. and Jill Ann Matheny, are found in violation of the Palmetto Code of Ordinances as noticed. A fine of \$500.00 per day is hereby imposed, commencing January 5, 2010, and continuing until the violation is corrected. **Upon recording, such fine shall constitute a lien 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 26th day of January, 2010.

CITY OF PALMETTO
CODE ENFORCEMENT BOARD


Charles W. Leonard, Chairman

Matheny
Administrative Order
January 26, 2010
Page 3 of 3

Attest: *Diane Ponder*
By: Diane Ponder, Deputy Clerk-Administration

I hereby certify that a true copy of the foregoing Administrative Order Imposing Fine has been furnished to the Respondents by Certified Mail/ Return/Receipt Requested and by Regular Mail this 27th day of January, 2010.

Deanna Roberts
Deanna Roberts, Clerk
Code Enforcement 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

CODE ENFORCEMENT BOARD OF THE CITY OF PALMETTO, FLORIDA

CITY OF PALMETTO

A political subdivision of the
State of Florida

Petitioner,

vs.

John E. Matheny, Jr.
488 Oak Tree Road
Mooresville, NC 28117

Jill Ann Matheny
146 Montibello Drive
Mooresville, NC 28117

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 ____ DAY OF ____
A.D., 20____

CITY CLERK, CITY OF PALMETTO, FLORIDA

CEB Case No. – 10-03

NOTICE OF HEARING/ASSESSMENT OF FINE

Address of Violation:

412 20th Avenue West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Section 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on January 26, 2010 at 6:00 p.m. in the Commission Chambers at Palmetto City Hall located at 516 8th Avenue West, Palmetto, Florida. The CEB will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and evidence, in order to determine whether to assess a fine against you for the continuing violation of the City's codes. This hearing relates to the Administrative Order of the CEB finding you in violation of the City's codes and entered against you at the CEB Public Hearing conducted on November 24, 2009.

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; and,
- c. Any previous violations committed by the violator.

You have the right to appear at this hearing and offer evidence and testimony in your favor. Please be advised that if a fine is assessed against you, the Order Imposing Fine may be recorded in the Public Records and thereafter become a lien against any real or personal property owned by you. Assessed fines may not exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and Five Hundred Dollars (\$500.00) per day for a repeat violation.

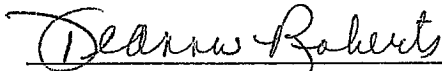
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is to be based. The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CODE ENFORCEMENT BOARD CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (941) 723-4570.

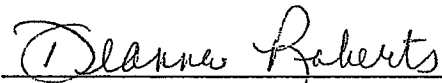
PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED: January 13, 2010

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


Deanna Roberts
Clerk of the Board

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing/Assessment of Fine has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to John E. Matheny, Jr. and Jill Ann Matheny this 13th day of January, 2010.


Deanna Roberts
Clerk of the Board

cc: Mark Barnebey, *Esq.*, City Attorney
David P. 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
Web: www.palmettofl.org

CODE ENFORCEMENT

NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

CERTIFIED MAIL NO.7008 0150 0002 2794 5257, 7008 0150 0002 2794 5264 and Regular Mail

John E. Matheny Jr.
488 Oak Tree Road
Mooreville, NC 28117

Jill Ann Matheny
146 Montibello Drive
Mooreville, NC 28117

RE: City of Palmetto, Petitioner, v. John E. Matheny, Jr. & Jill A. Matheny
Address of Violation: 412 20th Avenue West, Palmetto, Florida 34221
Legal Description: BEG 210 FT N AND 9 FT E OF THE SW COR OF SE1/4 OF SEC 15 TH E 76 FT, TH N 65 FT, TH W 76 FT, TH S 65 FT TO THE POB PI#28670.0005/9 Township 34S, Range 17E, Section 15

John E. Matheny & Jill A. Matheny:

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, Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6 Screening of Open Storage, (a) & (b); Chapter 7, Buildings and Building Regulations, Article XI, Minimum Maintenance Standards, Section 7-243(a); Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, and Section 16-27(a), (b), & (c):

- Appendix B, Sec 3.2. Open Storage defined.
- Sec. 6.6 Screening of Open Storage: (a) When open storage abuts a collector or arterial street, the method of screening shall consist of solid wooden or masonry walls...
- Sec. 6.6 Screening of Open Storage: (b) When an open storage area abuts a residentially zoned district, the method of screening shall consist of solid wooden or masonry walls...

- Sec. 7-243(a): *Landscaping*. All areas shall be kept free of overgrowth, weeds, trash and debris.
- Sec. 16-26. Nuisances defined.
- 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 above noted property contains personal belongings that are stored in plain view of arterial streets in a residentially zoned district.
- The yards of this property contain mattresses, a car frame, motor vehicle parts and other debris that negatively affect the value of adjacent properties.

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 7th day January 2010

CITY OF PALMETTO, FLORIDA

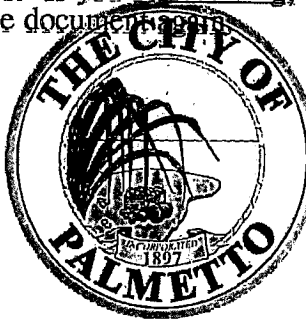


Bill Strollo
Code Enforcement Director

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Mar 24	2:27pm	Sent	813058229987	1:38	3	Error 350*

* A communication error occurred during the fax transmission.
If you're sending, try again and/or call to make sure the recipient's
fax machine is ready to receive faxes. If you're receiving, contact
the initiator and ask them to send the document again.



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

Fax Payoff Letter

To: One Step Lien Search
From: Cheryl A. Miller
Date: Thursday, March 24, 2011
RE: 412 20th Ave W

Fax #: 305/822-9987
Pages: 6

Full Name			
John & Jill Matheny			
Payoff Date	04/29/11	Payoff Amount	\$35,262.66
Date Recorded	OR Book	Page	PID #
03/02/09	2289	6940	2867000059

Payable to the City of Palmetto, Attn: Cheryl A. Miller, address is above.

Note: Please Reference Utility Acct #: 25011
Ref Code Enf # 563 Lien: Book 2331 pg 5290-5292

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.

Thursday, March 24, 2011

CUSTOMER	INV/CHCK#	TYPE	REFERENCE	DUE DATE	CURRENT	30 DAYS	60 DAYS	90+ DAYS	ORIGINAL
563	John & Jill Matheny								
	407054842	CDE	CEB 09-27	01/22/10				345.30	345.30
	407054997	FIN	FINANCE CHARGE	01/29/10				3.18	3.18
	407055080	FIN	FINANCE CHARGE	02/26/10				1.73	1.73
	407055085	CDE	Matheny CEB 10-	04/18/10				36,542.00	36,542.00
	407055145	FIN	FINANCE CHARGE	04/08/10				1.73	1.73
	407055214	FIN	FINANCE CHARGE	04/30/10				184.44	184.44
	407055297	FIN	FINANCE CHARGE	05/31/10				184.44	184.44
	407055378	FIN	FINANCE CHARGE	06/30/10				184.44	184.44
	407055450	FIN	FINANCE CHARGE	07/31/10				184.44	184.44
	407055519	FIN	FINANCE CHARGE	08/31/10				184.44	184.44
	407055587	FIN	FINANCE CHARGE	09/30/10				184.44	184.44
	407055669	FIN	FINANCE CHARGE	10/31/10				184.44	184.44
	407055734	FIN	FINANCE CHARGE	11/30/10				184.44	184.44
	407055813	FIN	FINANCE CHARGE	12/30/10				184.44	184.44
	407055881	FIN	FINANCE CHARGE	01/31/11			184.44		184.44
	407055946	FIN	FINANCE CHARGE	02/28/11		184.44			184.44
	** CUSTOMER TOTAL **	BAL DUE:		38,922.78	.00	184.44	184.44	38,553.90	38,922.78
0011152500	TOTAL	BAL DUE:		38,922.78	.00	184.44	184.44	38,553.90	38,922.78

3/31/11 184.44
4/29/11 184.44
39,291.61

Compliance
Adelg

(5308.25)
33,983.41

CEB-09-27
Referred to
40820TH

(370.76)
33,612.65

03/24/11 14:26:20
ub466-lq

CITY OF PALMETTO
CASH/BILLING HISTORY INQUIRY

Page 1
cmiller

Account#: 25011 From: 03/24/2010 To: 03/31/2011 Type: X
Bill to: MATHENY JR, JOHN E Cycle: 1
Locn: 412 20TH AVE W

SPR	CHARGE	FROM	TO	DAYS	PREV	READ	CURR	READ	CONSUMP	DMND---
02/21/2011	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,552.65
02/28/2011	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,501.65			Bal:	1,548.01
CC 0										
GA 0										
RU 0										
ST 0										
SW 0										
WA 0										
02/28/2011	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,501.65
01/31/2011	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,450.65			Bal:	1,497.01
CC 0										
GA 0										
RU 0										
ST 0										
SW 0										
WA 0										
01/25/2011	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,450.65
12/30/2010	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,399.65			Bal:	1,446.01
CC 0										
GA 0										
RU 0										
ST 0										
SW 0										
WA 0										
12/28/2010	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,399.65
11/30/2010	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,348.65			Bal:	1,395.01
CC 0										
GA 0										
RU 0										
ST 0										
SW 0										
WA 0										
11/29/2010	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,348.65
11/29/2010	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,297.65			Bal:	1,344.01
CC 0										
GA 0										
RU 0										
ST 0										
SW 0										
WA 0										
10/21/2010	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,297.65
09/30/2010	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,246.65			Bal:	1,293.01
CC 0										
GA 0										
RU 0										
ST 0										
SW 0										
WA 0										
09/21/2010	05031P2:412 20TH AVE W									
	PENALTY:				4.64				Bal:	1,246.65
08/31/2010	05031P2:412 20TH AVE W									
	CYCLE Chrg:		46.36		PrvBal:	1,195.65			Bal:	1,242.01
CC 0										
GA 0										
RU 0										

+ 44.36 3/31/11
4.64 4/20/11
46.36 4/29/11
1450.01

03/24/11 14:26:20
ub466-1q

CITY OF PALMETTO
CASH/BILLING HISTORY INQUIRY

Page 2
cmiller

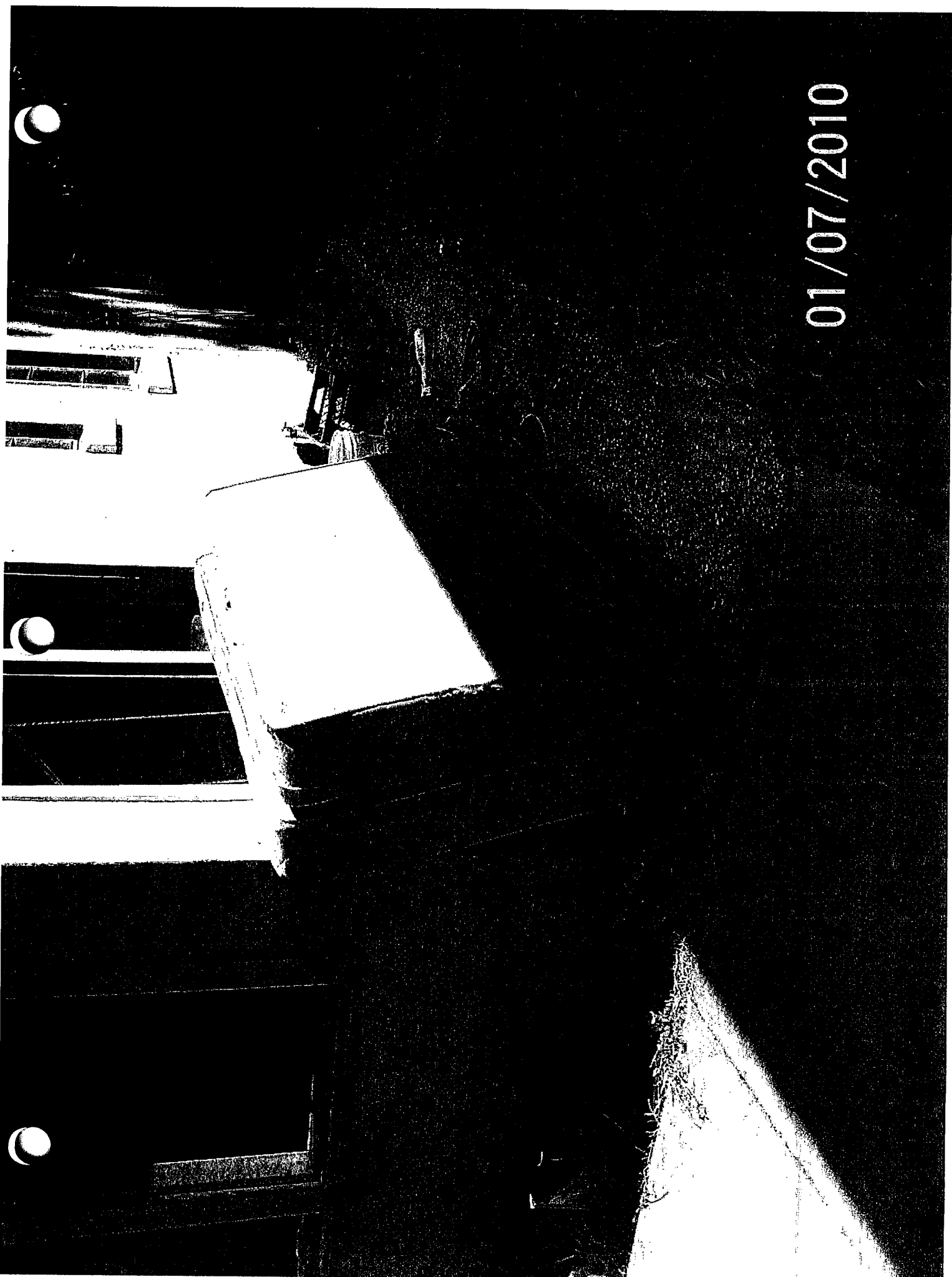
Account#: 25011 From: 03/24/2010 To: 03/31/2011 Type: X
Bill to: MATHENY JR, JOHN E Cycle: 1
Locn: 412 20TH AVE W

SRVCE	CHARGE	FROM	TO	DAYS	PREV READ	CURR READ	CONSUMP	DMND---
ST 0	7.36							
SW 0	11.89	07/23	08/24	32	2294	2294	0	.00
WA 0	6.20	07/23	08/24	32	2294	2294	0	.00
===== 05031P2:412 20TH AVE W =====								
08/20/2010	PENALTY:				4.64		Bal:	1,195.65
===== 05031P2:412 20TH AVE W =====								
07/30/2010	CYCLE	Chrg:	46.36		PrvBal:	1,144.65	Bal:	1,191.01
CC 0	3.00							
GA 0	12.11							
RU 0	5.80	REUSE						
ST 0	7.36							
SW 0	11.89	06/23	07/23	30	2294	2294	0	.00
WA 0	6.20	06/23	07/23	30	2294	2294	0	.00
===== 05031P2:412 20TH AVE W =====								
07/21/2010	PENALTY:				4.64		Bal:	1,144.65
===== 05031P2:412 20TH AVE W =====								
06/30/2010	CYCLE	Chrg:	46.36		PrvBal:	1,093.65	Bal:	1,140.01
CC 0	3.00							
GA 0	12.11							
RU 0	5.80	REUSE						
ST 0	7.36							
SW 0	11.89	05/24	06/23	30	2294	2294	0	.00
WA 0	6.20	05/24	06/23	30	2294	2294	0	.00
===== 05031P2:412 20TH AVE W =====								
06/21/2010	PENALTY:				4.64		Bal:	1,093.65
===== 05031P2:412 20TH AVE W =====								
05/28/2010	CYCLE	Chrg:	46.36		PrvBal:	1,042.65	Bal:	1,089.01
CC 0	3.00							
GA 0	12.11							
RU 0	5.80	REUSE						
ST 0	7.36							
SW 0	11.89	04/22	05/24	32	2294	2294	0	.00
WA 0	6.20	04/22	05/24	32	2294	2294	0	.00
===== 05031P2:412 20TH AVE W =====								
05/21/2010	PENALTY:				4.64		Bal:	1,042.65
===== 05031P2:412 20TH AVE W =====								
04/30/2010	CYCLE	Chrg:	46.36		PrvBal:	991.65	Bal:	1,038.01
CC 0	3.00							
GA 0	12.11							
RU 0	5.80	REUSE						
ST 0	7.36							
SW 0	11.89	03/22	04/22	31	2294	2294	0	.00
WA 0	6.20	03/22	04/22	31	2294	2294	0	.00
===== 05031P2:412 20TH AVE W =====								
04/21/2010	PENALTY:				4.62		Bal:	991.65
===== 05031P2:412 20TH AVE W =====								
03/31/2010	CYCLE	Chrg:	46.15		PrvBal:	940.88	Bal:	987.03
CC 0	3.00							
GA 0	11.90							
RU 0	5.80	REUSE						
ST 0	7.36							
SW 0	11.89	02/19	03/22	31	2294	2294	0	.00
WA 0	6.20	02/19	03/22	31	2294	2294	0	.00

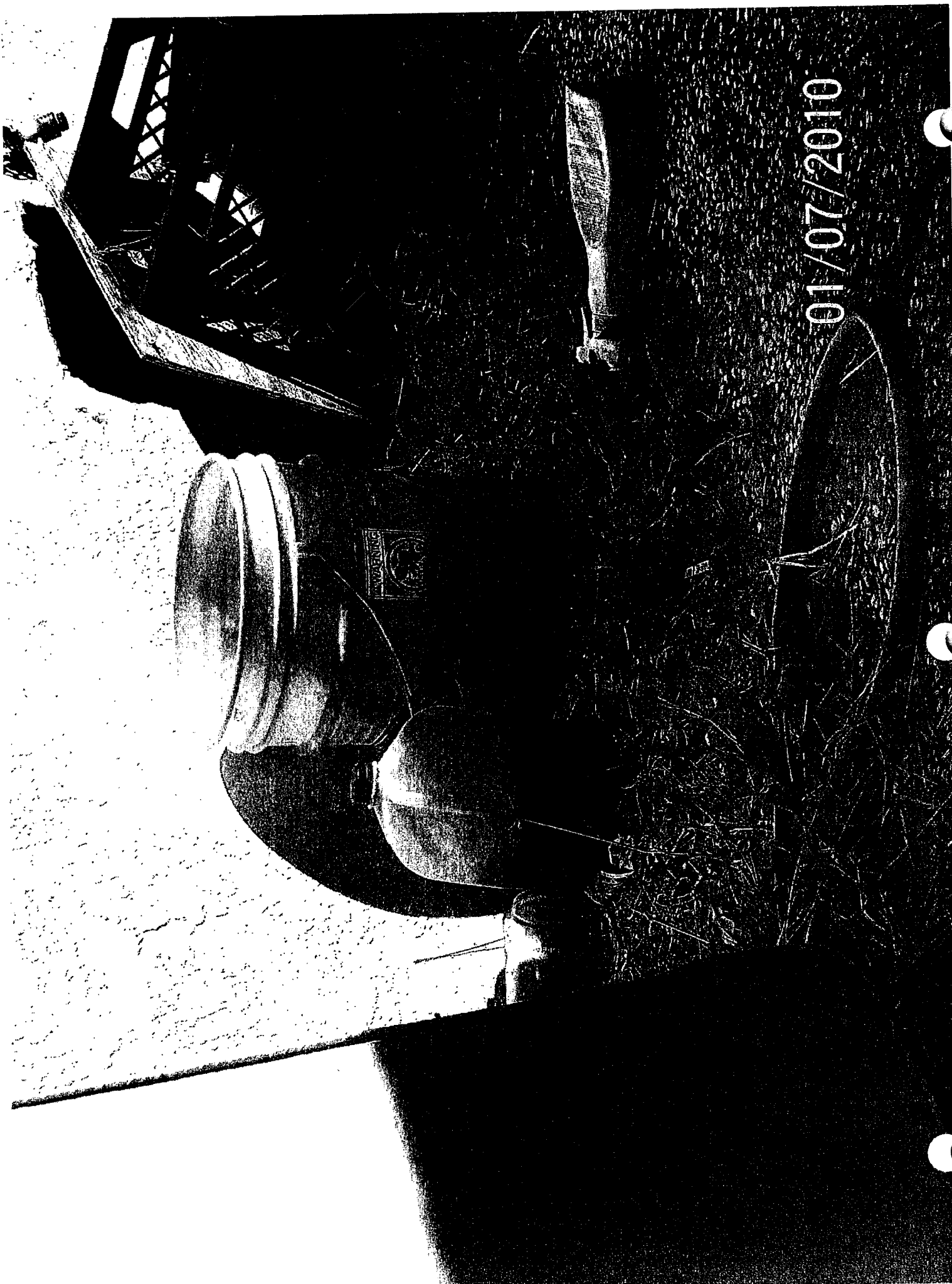
METERED SERVICES TOTAL / AVERAGES

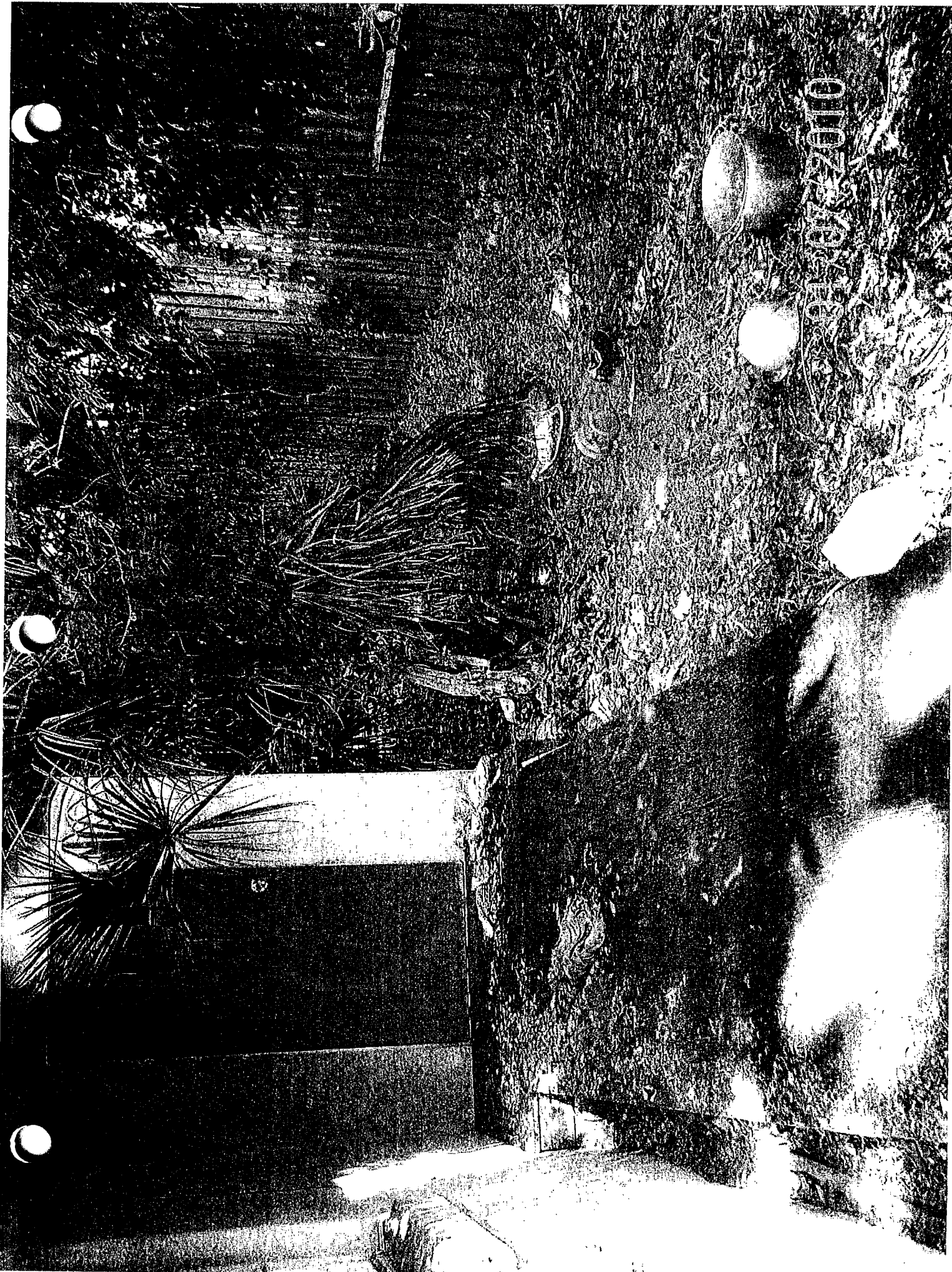
SV	#	Tot Usage	Tot Chrg	Ave Usage	Ave Chrg	Tot Dmnd	Ave Dmnd
CC	0	0	36.00	0	3.00	0	0
GA	0	0	145.11	0	12.09	0	0
RU	0	0	69.60	0	5.80	0	0
ST	0	0	88.32	0	7.36	0	0
SW	0	0	142.68	0	11.89	0	0
WA	0	0	74.40	0	6.20	0	0

01/07/2010

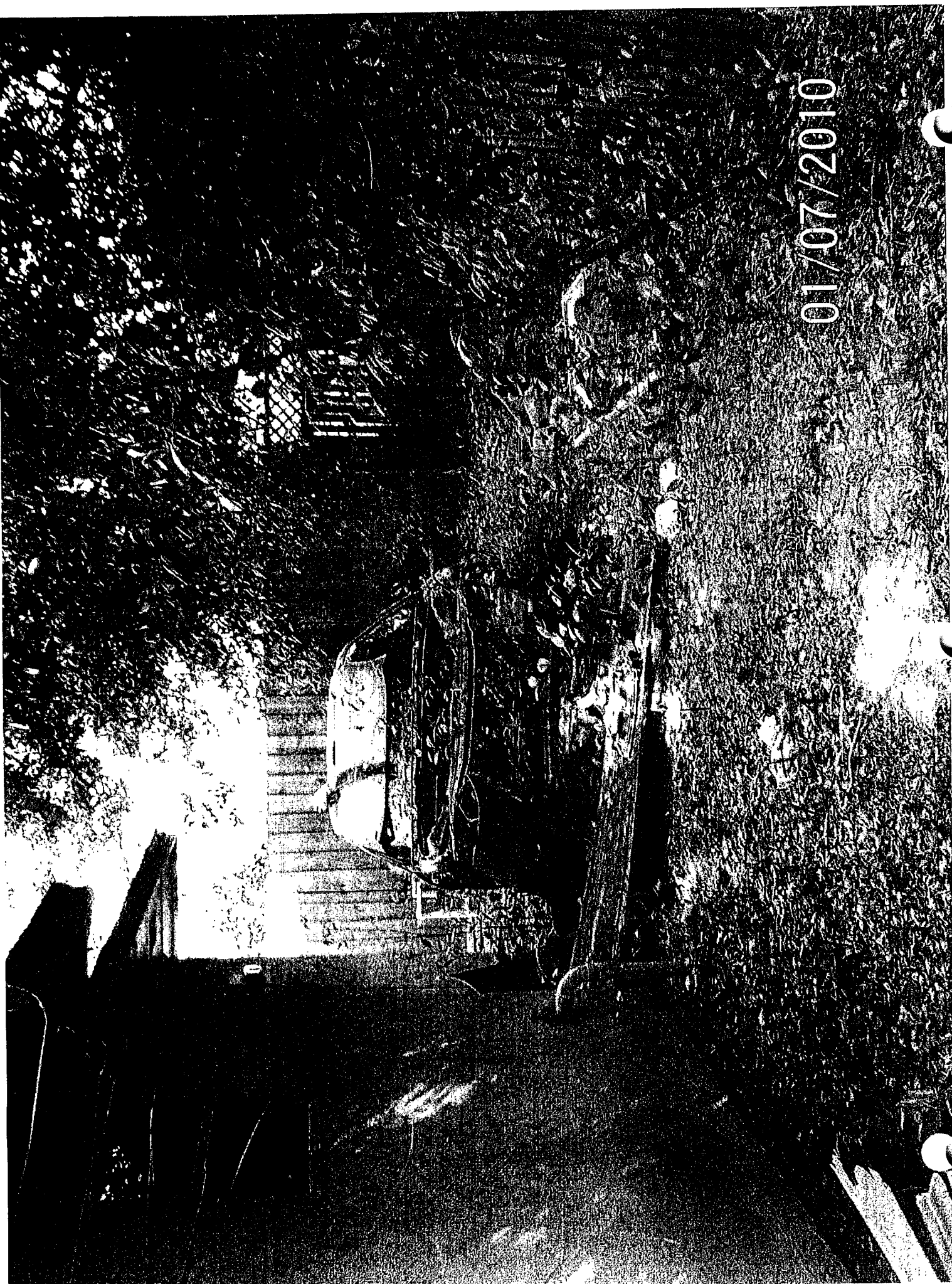


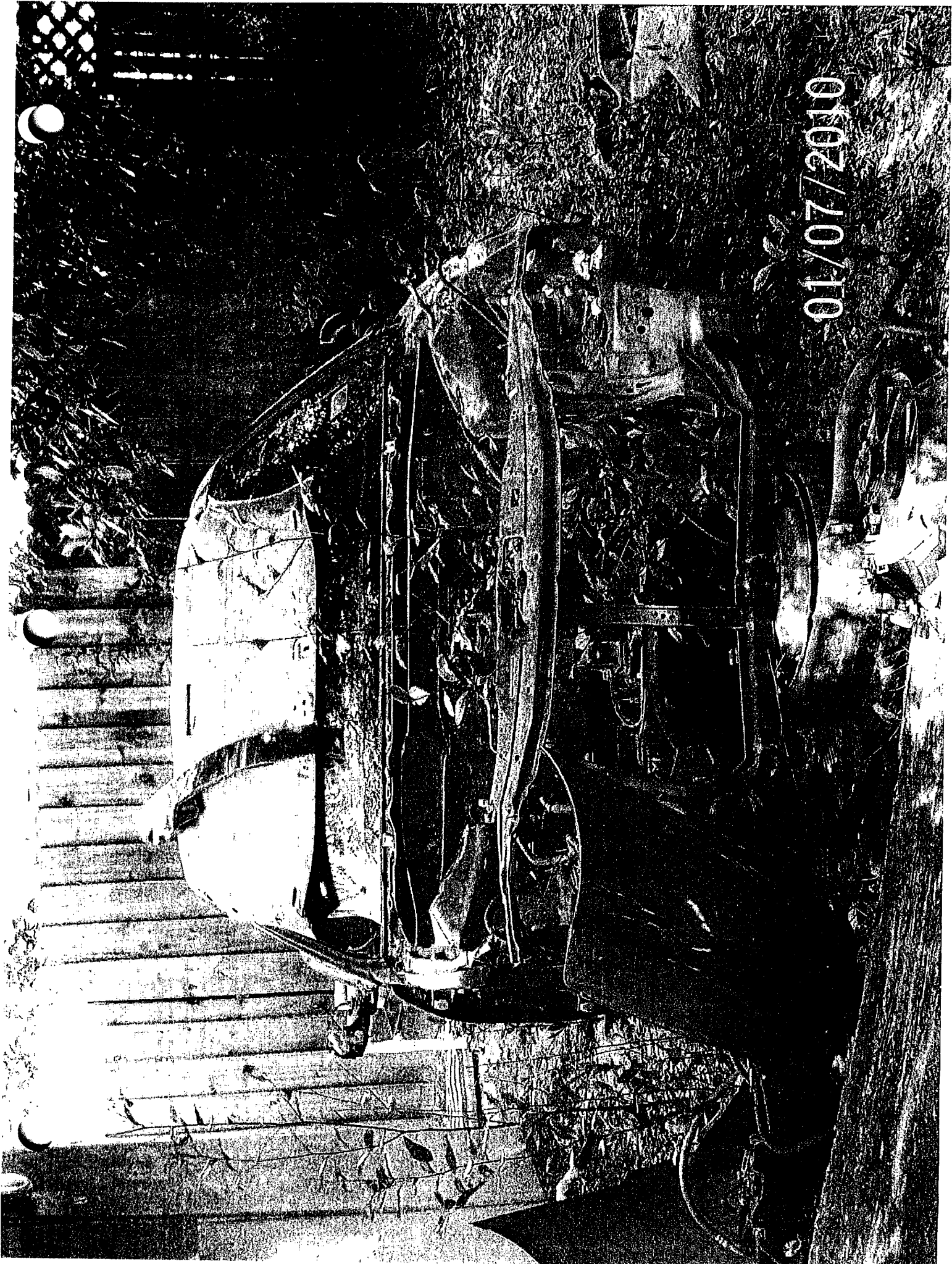
01/07/2010



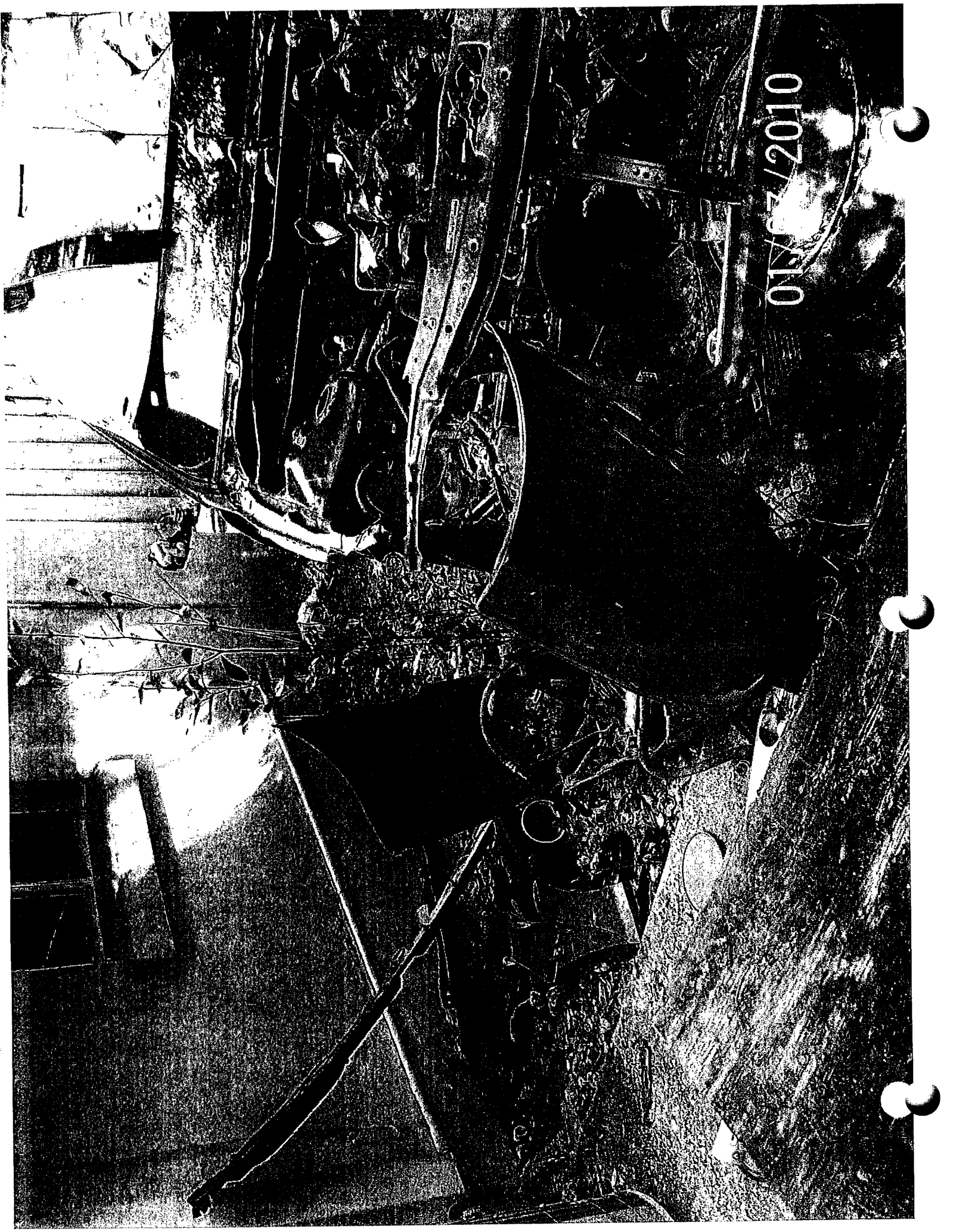


01/07/2010



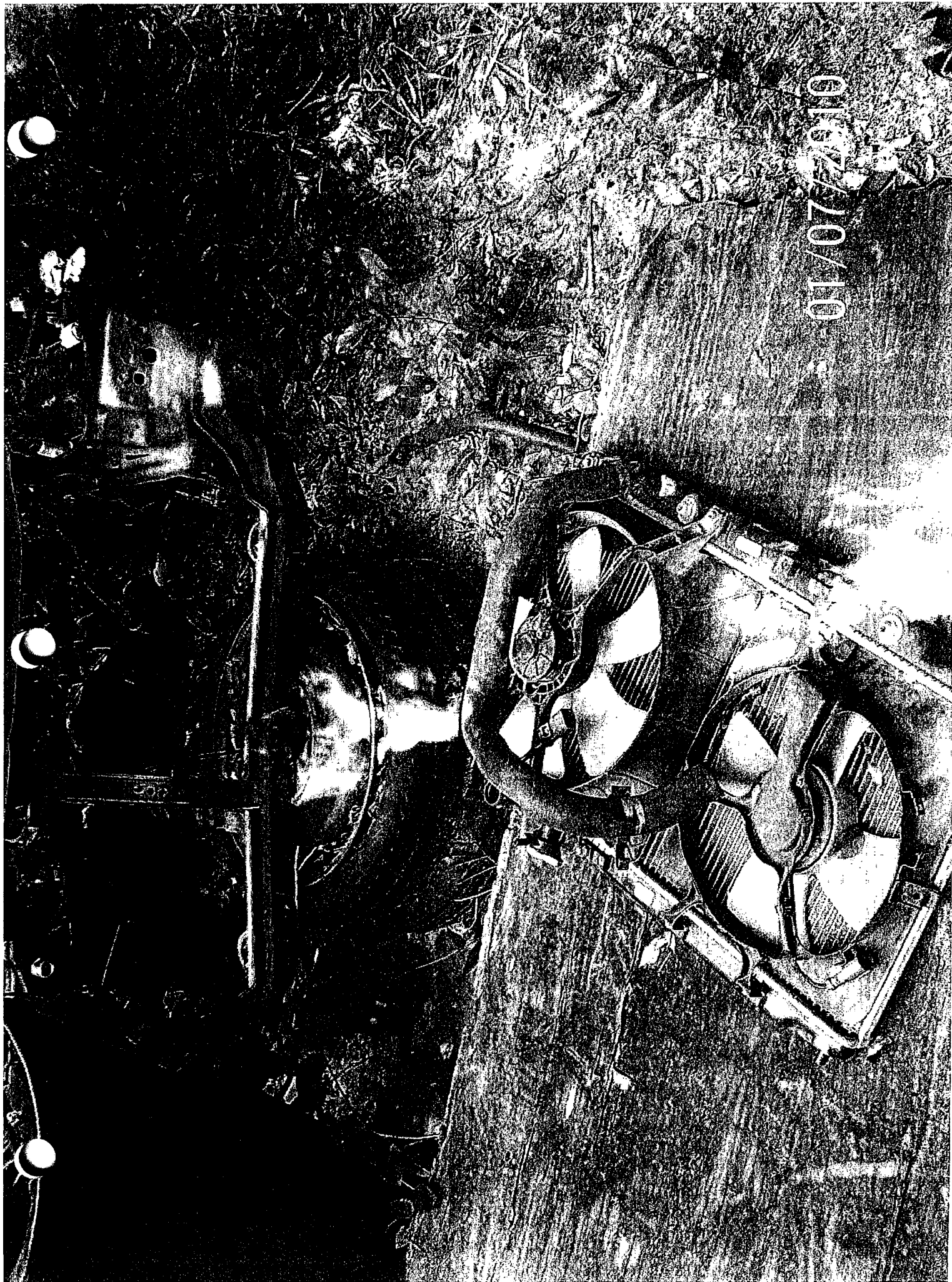


01/07/2010



01/07/2010

0107/20/10



01/07/2010





Subject Property
412 20th Ave W.