

MANATEE COUNTY, FLORIDA



Code Enforcement Board  
Case No. CE2009100246

MANATEE COUNTY, a political subdivision  
of the State of Florida,

Petitioner,

vs.

JOHN T. AND LINDA LIGHTNER, SR.,

Respondents.

PARTIAL RELEASE OF LIEN

This is to certify that the Order Imposing Fine filed by the Manatee County Code Enforcement Board of Manatee County, Florida, on June 10, 2010, and recorded in Official Records Book 2349, Page 1660, of the Public Records of Manatee County, Florida, on August 16, 2010, is hereby released as to that parcel of property described in Exhibit "A", attached hereto.

DATED this 7<sup>th</sup> day of December, 2010.

ATTEST: R.B. Shore, Clerk  
of the Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: Susan Romine  
Susan Romine, Deputy Clerk

By: Donna G. Hayes  
Donna G. Hayes, Chairman

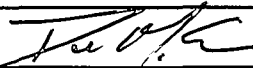


**Exhibit "A"**

Lot 4, Block A, BAY LAKE ESTATES SUBDIVISION, PHASE I, according to the plat thereof, as recorded in Plat Book 20, Page 67, of the Public Records of Manatee County, Florida.

# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

<b>SUBJECT</b>	John T. and Linda Lightner, Sr. - Code Enforcement Case No. CE2009100246	<b>TYPE AGENDA ITEM</b>	Consent
<b>DATE REQUESTED</b>	December 7, 2010	<b>DATE SUBMITTED/REVISED</b>	December 2, 2010
<b>BRIEFINGS? Who?</b>	None	<b>CONSEQUENCES IF DEFERRED</b>	Delay in closing on property
<b>DEPARTMENT/DIVISION</b>	Neighborhood Services Department Code Enforcement Division	<b>AUTHORIZED BY TITLE</b>	Cheri Coryea Director <i>CRC 12/2/10</i>
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Joe Fenton, Division Manager Ext. 6854	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Joe Fenton, Division Manager Ext. 6854
<b>ADMINISTRATIVE APPROVAL</b>			

**ACTION DESIRED**  
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Motion to approve Partial Release of Lien and authorize Chairman of Board of County Commissioners to execute Partial Release of Lien in Code Enforcement Case No. CE2009100246.

Motion to authorize Clerk's Office to record Partial Release of Lien in Public Records of Manatee County, Florida.

**ENABLING/REGULATING AUTHORITY**  
Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy

Section 162.09, Florida Statutes (2009).

**BACKGROUND/DISCUSSION**

On June 10, 2010, the Code Enforcement Board of Manatee County, Florida, issued an Order Imposing Fine against John T. and Linda Lightner, Sr., in Code Enforcement Case No. CE2009100246 for expanding a nonconforming use on property located at 8710 Cortez Road West, Bradenton. On August 16, 2010, the Order Imposing Fine was recorded in the Public Records of Manatee County, Florida, as a lien against the land in violation and any real or personal property owned by John T. and Linda Lightner, Sr.

The attorney representing John T. and Linda Lightner, Sr., has informed the County Attorney's Office that the Lightners have sold their homestead property located at 4423 89th Street West, Bradenton. The attorney for the buyers is requesting that Manatee County release the Code Enforcement Board lien against the residential property in order to close on the sale. A partial release describing only the residential parcel would not affect the continuation of the fine imposed as a lien against the property in violation.

Subsection 162.09(3), Florida Statutes (2009), states: "A lien arising from a fine imposed pursuant to this section [162.09] runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section." Subsection 162.04(1), Florida Statutes (2009), defines "[l]ocal governing body" to mean "the governing body of the county . . ." The Board of County Commissioners, as the governing body of Manatee County, Florida, is authorized to execute a satisfaction or release of lien entered by the Manatee County Code Enforcement Board.

The County Attorney's Office has prepared a Partial Release of Lien which releases the Order Imposing Fine as to that parcel of property described in Exhibit "A", consisting of the residential property owned by John T. and Linda Lightner, Sr. (4423 89th Street West, Bradenton). The lien created by the Order Imposing Fine will remain in effect against the property in violation (8710 Cortez Road West, Bradenton) and any other real or personal property owned by John T. and Linda Lightner, Sr.

<b>COUNTY ATTORNEY REVIEW</b>	
<b>Check appropriate box</b>	
<input type="checkbox"/>	<b>REVIEWED</b> <b>Written Comments:</b> <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	<b>NOT REVIEWED (No apparent legal issues.)</b>
<input type="checkbox"/>	<b>NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)</b>

<input checked="" type="checkbox"/>	<b>OTHER:</b> Files reviewed by attorney and Agenda Memorandum drafted by attorney (MSS).
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<b>ATTACHMENTS:</b> (List in order as attached)		<b>INSTRUCTIONS TO BOARD RECORDS:</b>	
Order Imposing Fine Partial Release of Lien with attached Exhibit "A"		Upon receipt of recording fees from attorney, record executed Partial Release of Lien with attachment in Public Records of Manatee County, Florida. Return certified copy of recorded Partial Release of Lien with attachment and stamped copy of this Agenda Memorandum to Code Enforcement Division and County Attorney's Office.	
<b>COST:</b>	None	<b>SOURCE (ACCT # &amp; NAME):</b>	N/A
<b>COMMENTS:</b>	None	<b>AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)</b>	N/A

MANATEE COUNTY CODE ENFORCEMENT BOARD  
MANATEE COUNTY, FLORIDA

FILED FOR RECORD  
R. B. SHORE

2010 JUN 10 AM 7:42

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

CLERK OF CIRCUIT COURT  
MANATEE CO. FLORIDA  
Case No. CE2009100248

vs.

JOHN T. AND LINDA LIGHTNER, SR.  
Respondents,

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Board on June 9, 2010, and the Code Enforcement Board having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

1. That John T. and Linda Lightner, Sr., hereinafter referred to as Respondents, are the owners of record of the subject property.
2. That notice was served on Respondents and John T. Lightner was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 1102 were made and served on Respondents by certified mail.
4. That the property located at 8710 Cortez Road West, Bradenton, Florida, DP 7501000009, is in violation of Manatee County Land Development Code Section 1102 for expanding a nonconforming use on the property.
5. That Respondents are in violation of Section 1102 because a nonconforming use was expanded on the property.

**CONCLUSIONS OF LAW**

1. That Respondents are in violation of Manatee County Land Development Code Section 1102.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 152, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondents correct the violation of Manatee County Land Development Code Section 1102.
2. THAT if this Order is not complied with on or before AUGUST 8, 2010, it is hereby ordered that Respondents shall pay a minimum fine of \$100, plus \$10 per day for each and every day any violation described herein continues past AUGUST 8, 2010.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Board also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens, which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should a violation exists beyond the date set for compliance, the Code Enforcement Board shall impose a minimum fine of \$150.

Ordered June 9, 2010, and executed this 10<sup>th</sup> day of June, 2010.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Licki Garrett  
Deputy Clerk



John T. Lightner  
Chairman, Manatee County  
Code Enforcement Board

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, JOHN T. and LINDA LIGHTNER, Sr., 4423 CORAL LAKE DRIVE, BRADENTON, FLORIDA 34210, by U.S. mail, and to the Manatee County Code Enforcement Division, this 10<sup>th</sup> day of June, 2010.

R. B. SHORE  
Clerk of Circuit Court, Manatee County, Florida

By: Licki Garrett  
Deputy Clerk



R.B. Shore  
Clerk of Circuit Court  
By: Licki Garrett

ATTENTION: It is your responsibility to notify Code Enforcement (813-738-4501, extension 6909, and satisfactorily demonstrate that the violation(s) has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation(s) no longer exist(s).

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST: R.B. Shore, Clerk  
of the Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Susan Romine, Deputy Clerk

By: \_\_\_\_\_  
Donna G. Hayes, Chairman

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by Donna G. Hayes, Chairman of the Board of County Commissioners of Manatee County, Florida, and Susan Romine, Deputy Clerk of the Clerk of the Circuit Court, for Manatee County, Florida. They are personally known to me.

\_\_\_\_\_  
Signature of Notary Public  
State of Florida

\_\_\_\_\_  
Name Typed, Printed or Stamped

Commission No. \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**Exhibit "A"**

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