



MANATEE COUNTY, FLORIDA

Special Magistrate
Case No. CE2007110007

MANATEE COUNTY, a political subdivision
of the State of Florida

Petitioner,

vs.

Wilderness Crossings LLC,

Respondent.

_____ /

PARTIAL RELEASE OF LIEN

This is to certify that the Order Imposing Fine filed by the Manatee County Code Enforcement Special Magistrate of Manatee County, Florida, on February 5, 2008, and recorded in Official Records Book 2249, Page 7811, of the Public Records of Manatee County, Florida, on March 7, 2008, is hereby released as to that parcel of property described as follows:

Se 1/4 Of Sw 1/4 Less S 40 Ft For Rd R/W; And Less Rd
R/W Alg E And N Boundaries; Sd Land Lying And Being In
Sec 15 Twn 34s Rng 19e (1840/2316) Pi#5265.0000/4

DATED this 22nd day of October, 2013.

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

By: *Ricki Turner*
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: *Larry Bustle*
Larry Bustle, Chairman

Clerk of the Circuit Court - Manatee County
R.B."Chips" Shore
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

INVOICE

BOARD RECORDS
CODE ENFORCEMENT

RECEIPT
#1 of #1

FL

001.133000

AR PAYOR: AR700009 GOMC Book# 2495 Page# 5307
DOC TYPE: REL CALC AMOUNT: \$0.00
PAGES: 1 FILE# 003206592
Receipt: 410208920 10/24/13 1:22PM By: FGERNS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEE
R	RECORDING TRUST	199	00000341150	0	1.00
R	RECORDING FEES	001	00000341100	0	5.00
R	CLERK CT TECH FUND	199	00000341160	0	1.90
R	FL ASSOC COURT CLERK	001	00000208911	0	0.10
R	BD OF COUNTY COMM	001	00000208912	0	2.00



RECEIPT TOTAL: \$10.00
GRAND TOTAL: \$10.00

Receipt#
410208920 thru 410208920

OFFICE HOURS *****8:30 AM - 5:00 PM
"Pride in Service with a Vision to the Future"

Clerk of the Circuit Court - Manatee County
R.B."Chips" Shore
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"Pride in Service with a Vision to the Future"

October 22, 2013 - Regular Meeting
Agenda Item #13

Subject

Wilderness Crossings LLC Code No. CE2007110007

Briefings

None

Contact and/or Presenter Information

Joe Fenton, Division Manager, Ext. 6854

APPROVED in Open Session

Manatee County Board of County
Commissioners

Action Requested

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. CE2007110007.

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

Enabling/Regulating Authority

Section 162.09, Florida Statutes (2009)

Background Discussion

Below is a summary of Code Enforcement Case No. CE2007110007 against respondents Wilderness Crossings LLC regarding property located at 14641 Upper Manatee River Road, Bradenton (DP#526500004):

- This property has been through a foreclosure and sold to Tampa Bay Equity Fund LLC and the fines were never satisfied. The new owner is trying to get a loan through the bank but unable to do so as long as a claim of lien is on the property.
- A Lis Pendens was filed in the foreclosure action on July 9, 2007. Once the Lis Pendens was filed, the trash and debris lien was filed after that date. This lien does not attach to the property and is unenforceable against the property. If we provide the new owner with a partial release of lien for this property, that will remedy the new owners problem with the title work and their loan can go through. This is a formality since the lien cannot be enforced against the new owners because they were not cited. The land was cleared of the offending debris and is now in compliance.
- Subsection 162.09(3), Florida Statutes (2010), 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(01), Florida

Statutes (2010), 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 Special Magistrate.

- The Code Enforcement Division has prepared a Partial Release of Lien which releases the Order Imposing Fine as to the parcel of property that is now owned by Tampa Bay Equity Inc. located at 14641 Upper Manatee River Road, Bradenton. The lien created by the Order Imposing Fine, OR Book 2249, Page 7811, will remain in effect against any other real or personal property owned by Wilderness Crossings LLC.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Cooney

Instructions to Board Records

Please forward a stamped copy of agenda to Administrative Specialist Laurie Menard (laurie.menard@mymanatee.org) in the Code Enforcement Division following disposition. - Snt copy via email to LM, sent original to recording, once returned - will send original to LM. 10/24 - SS

Cost and Funds Source Account Number and Name

None

Amount and Frequency of Recurring Costs

None

Attachment: [BOCC Attachments 10-22-13 Wilderness.pdf](#)

IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL DISTRICT
IN AND FOR MANATEE COUNTY, STATE OF FLORIDA
CIVIL DIVISION

COAST BANK OF FLORIDA, a Florida
banking corporation

Plaintiff,

2007-*CA*-004425

v.

Case No. _____

WILDERNESS CROSSINGS, LLC, a Florida
limited liability company, DAVID J.
JOHNSTON, DAVID JOHNSTON DEVELOPMENT,
LLC, a New Hampshire limited liability company,
SIESTA BAY HOLDINGS, LLC, a Florida limited
liability company, ROBERT F. SMITH, JR.,
JASON CAPOZELLA, and TRACY L. CAPOZELLA,

Defendants.

2007 JUL -9 PM 2:43

CLERK OF THE CIRCUIT COURT
MANATEE COUNTY
FLORIDA

NOTICE OF LIS PENDENS

To: WILDERNESS CROSSINGS, LLC, DAVID J. JOHNSTON, DAVID JOHNSTON
DEVELOPMENT, LLC, SIESTA BAY HOLDINGS, LLC, ROBERT F. SMITH, JR.,
JASON CAPOZELLA, and TRACY L. CAPOZELLA

YOU ARE HEREBY NOTIFIED of the institution of this action on the date below by COAST
BANK OF FLORIDA seeking to foreclose an interest in the following property located in MANATEE
County, Florida:

**THE SOUTHEAST ¼ OF THE SOUTHWEST ¼, LESS THE SOUTH 40 FEET FOR ROAD
RIGHT-OF-WAY; AND LESS ROAD RIGHT-OF-WAY ALONG EAST AND NORTH
BOUNDARIES; SAID LAND LYING AND BEING IN SECTION 15, TOWNSHIP 34 SOUTH,
RANGE 19 EAST, MANATEE COUNTY, FLORIDA.**

PARCEL I.D. # 526500004

Dated this 7th day of July, 2007.



L. GEOFFREY YOUNG, ESQ.

FL Bar #188763
Ruden, McClosky, Smith, Schuster & Russell, P.A.
Post Office Box 14034
St. Petersburg, Florida 33733
(727) 895-1971
Attorneys for COAST BANK OF FLORIDA

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

FILED FOR RECORD
R. B. SHORE

2008 FEB -5 PM 12:41

Case No. CE2007110007

CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

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

vs.

WILDERNESS CROSSINGS LLC,
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on January 23, 2008, and the Special Magistrate 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 **Wilderness Crossing LLC**, hereinafter referred to as Respondent is the owner of record of the subject property.
2. That notice was served on Respondent and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code **Section 703.2.23.1** were made and served on Respondent by certified mail.
4. That the property located at **14641 Upper Manatee River Road, Bradenton, DP# 526500004**, has a violation of Manatee County Land Development Code **Section 703.2.23.1** because **trash and debris (including but not limited to a boat, boards, cement, etc.) are on the property**
5. That Respondent is in violation of **Section 703.2.23.1** for having trash and debris (including but limited to a boat, boards, cement, etc.) on the property.

CONCLUSIONS OF LAW

1. That Respondent is in violation of Manatee County Land Development Code **Section 703.2.23.1**.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondent corrects the violation of Manatee County Land Development Code **Section 703.2.23.1**.
2. THAT if this Order is not complied with on or before **February 22, 2008**, it is hereby ordered that Respondent shall pay a minimum fine of **\$100**, plus **\$75** per day for each and every day any violation described herein continues past **February 22, 2008**.
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 Special Magistrate 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 exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered January 23, 2008, and executed this 5th day of February, 2008.

ATTEST: R. B. Shore
Clerk of Circuit Court

By: [Signature]
Deputy Clerk

[Signature]
Manatee County Code Enforcement
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, **WILDERNESS CROSSINGS LLC, 3611 1ST STREET EAST, NO. 640, BRADENTON, FLORIDA 34208, AND JASON P. CAPOZELLA, REGISTERED AGENT, 3110 MANATEE AVENUE WEST, SUITE A, BRADENTON, FLORIDA 34205** by U.S. mail and to the Manatee County Code Enforcement Division, this 6 day of February, 2008.

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

By: [Signature]
Deputy Clerk

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 7 day of March, 2008.

R. B. SHORE
Clerk of Circuit Court

By: [Signature] DCA

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, 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).



Fw: Wilderness Crossings Property
 James Cooney to: Joe Fenton

10/01/2013 11:50 AM

Joe,

I have received an RLS on this situation. A Lis Pendens was filed in the foreclosure action on 7/9/07. No liens attach to the Wilderness Crossings property. Once the Lis Pendens is filed it appears that the Trash and Debris liens were filed after that date. These liens do not attach to the property and are unenforceable against the property. If we provide the new owner with a partial release of lien for this property that will remedy the new owners problem with the title work and the loan can go through. This is a formality since the lien can not be enforced against the new owners because they were not cited. I understand that the land has been cleared of the offending debris and is now in compliance.

All that is needed is an Agenda Memo requesting that the BCC approve that the Chair sign a partial release of lien against this property. In reality we are releasing nothing since we could not enforce the lien anyway. This simply removes what the title company sees as a cloud on the title and allows the loan to go through.

Please advise if you need any further comment on this situation.

Thanks,

Jim

James R. Cooney
 Deputy County Attorney
 Manatee County, Florida

----- Forwarded by James Cooney/MCG on 10/01/2013 11:13 AM -----

From: James Cooney/MCG
 To: Joe Fenton/MCG@MCG
 Date: 08/29/2013 05:05 PM
 Subject: Re: Wilderness Crossings Property

Yes, just set the forth the facts that this lien can not be collected against a subsequent owner of the property and that it is holding up a loan for the development of the property needlessly. We just give a partial release as to the subject property so we are not releasing any other property that the former company might have, somewhere, somehow. This is a consent item.

Please send me a draft for review. I think we have most of the facts and legal considerations in our email chain.

Thanks

Jim

James R. Cooney
 Deputy County Attorney
 Manatee County, Florida

Joe Fenton

Jim, Wilderness Crossing, LLC does not exist an...

08/29/2013 04:35:27 PM

From: Joe Fenton/MCG
 To: James Cooney/MCG@MCG
 Date: 08/29/2013 04:35 PM

MANATEE COUNTY, FLORIDA

Special Magistrate
Case No. CE2007110007

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DATED this 22nd day of October, 2013.

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

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Larry Bustle, Chairman