

September 26, 2017 - Regular Meeting  
Agenda Item #13

Approved in Open Session 9/26/17,  
Manatee County  
Board of County Commissioners

Subject

Reduction of Code Enforcement Fines for Donald G Spiller, Code Enforcement Case Number CE2011040316 - 7329 Phillips St, Sarasota

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Division Chief, Ext. 6854

Action Requested

Motion to reduce the fines for this case to \$1,000.00 (as previously recommended by the Special Magistrate on August 30, 2017), subject to the following conditions:

1. The reduced fines shall be paid within 90 days or will revert back to the original fine amount of \$429,100.00 for CE2011040316.
2. Recording fees need to be collected, which total \$40.00.
3. Building and Development Services Department Director is authorized to sign satisfactions of liens if the reduced fines are paid.

Enabling/Regulating Authority

Section 162.09, Florida Statutes

Background Discussion

JP Morgan Chase Bank foreclosed (filed on May, 22, 2015; Final Judgment October 10, 2016) on this property. Southeast Property Acquisitions LLC purchased the property on January 18, 2017. They then had to file for eviction before they could go in and clean the property up. The current owner is seeking a fine reduction as they promptly abated the violations upon ownership. The property is currently in compliance. The previous owners did nothing to comply with the magistrates order.

Violations: Unscreened outdoor storage and trash and debris.

1. Notice of Violation issued 4/18/2011.
2. Special Magistrate Hearing was held on 6/22/2011 - Ordered to comply by 7/22/2011 or a fine of \$150.00 plus \$100.00 per day per section (two) would be imposed.
3. Compliance date was 6/5/2017.
4. Fines for this case total \$429,100.00 plus \$40.00 recording fees.
5. Special Magistrate Mitigation hearing was held on 8/30/2017. The Magistrate determined that justification exists to reduce the total fine amount and to forward the request to the Board of County Commissioners with a recommendation to reduce the fine amount which totals \$429,100.00 to \$1,000.00 plus \$40.00 recording fees to settle the case. Staff recommends approval.

County Attorney Review

Not Reviewed (Utilizes exact document or procedure approved within the last 18 months)

Explanation of Other

Reviewing Attorney

N/A

Distributed 9/28/17, RT

Instructions to Board Records

Please forward a stamped copy of the agenda to Administrative Specialist Susan Hunt ([susan.hunt@mymanatee.org](mailto:susan.hunt@mymanatee.org)) in the Code Enforcement Division following disposition.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [BOCC Attachmentds 9-26-2017 CE2011040316 Donald G Spiller .pdf](#)

# Application For Relief - Code Enforcement Liens

## Manatee County Code Enforcement Division

1112 Manatee Avenue West  
Bradenton, FL 34205  
Tel: (941) 748-2071 Fax: (941) 749-3094

**Notice: This application is available as a WORD document for your convenience.**

Manatee County accepts applications for Code Enforcement Lien relief from owners of properties that have corrected ALL of the violations on the subject property. Please complete the form in its entirety. Incomplete applications will not be accepted.

Case # CE2011040316 Manatee County - vs - Donald G Spiller

### Property Information

Parcel Identification Number: 6690800005		
Lot: 6 & 7	Block: 15	Subdivision: Whitfield Estates
Address: 7329 Phillips St		
City: Sarasota	Zip Code: 34243	

### Property Owner Information

Current property owner: Southeast Property Acquisitions LLC		
Address: 5009 N. CENTRAL AVE		
City: Tampa	State: FL	Zip: 33609
Phone #: 813-675-0916 x 204	Email address: ilia.Fernandez@spincompanies.com	
Representative/Agent: Aaron Zelinskas		
Address: 5009 N. CENTRAL AVE		
City: Tampa	State: FL	Zip: 33609
Phone #: 813-675-0916 x 204	Email address: ilia.Fernandez@spincompanies.com	

### Lien Information

Amount of lien: \$429,100.00 + \$40.00 Recording Fees	Amount of offer: \$1,000.00 + \$40.00 Recording Fees
Date lien was recorded: 08/02/2011	Number of days the property was in Violation: 2,144
Date of Compliance: 06/05/2017	How much money was spent to abate the Violation: 1,000

The following documentation (when applicable) SHALL be submitted with the application:  
(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

\*\*\*\* Please note the current owner responses are highlighted yellow\*\*\*\*

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown;
  - Exhibit A
2. Foreclosure Order, with the recording date, book and page shown
  - not found
3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
  - Exhibit B
4. New Certificate of Title, with the recording date, book and page shown;
  - Exhibit C
5. County's Final Order of Imposition of Fine; and
  - Exhibit D & E
6. Claim of Lien(s) with the recording date, book and page shown.
  - not found

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

1. The nature and gravity of the violation(s);
  - Trash, Debris, Unscreened Outdoor Storage
2. Any actions you have taken to correct the violation(s);
  - Trash has been removed, Carport was the Unscreened Outdoor Storage, After trash was removed it was not considered Storage area anymore
3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
  - On February 6<sup>th</sup> 2017 our construction department spoke with code enforcement and told them that we were in the middle of eviction. Property went into rehab on 3/27/2017. Violation was compiled on 6/5/2017
4. Any actual costs you expended to cure the violation(s), if supported by documentation;
  - We had to do a trash out
5. Any other prior or current violations you committed on the subject property or upon any other property you own within the County; and
  - No
6. Equitable considerations.
  - i. Whether there was any extraordinary hardship which existed or currently exists;
    - This home was occupied when we first purchased it and we had to go through the eviction process. Writ of Possession copy on Exhibit F.
  - ii. Whether the applicant was the property owner when the fine or lien was imposed;
    - Our Company was not the owner when the fines started
  - iii. Whether the property is homestead or non-homestead property;
    - No

Note: County code section 2-36-8(f) allows the Board of County Commissioners to execute a satisfaction or release of lien. The application process requires two (2) public meetings. Once the application and documentation is found to be complete it will be scheduled and presented before a Special Magistrate. The findings of the Special Magistrate along with the application will be forwarded to the Board of County Commissioners for final approval or denial. All payments will need to be mailed to Manatee County, Attention Code Enforcement, P.O. Box 1000, Bradenton, FL 34206-1000 and payable to: Manatee County, and include the Case Number. Once payment is received a Satisfaction of Lien will be prepared and recorded.

Revised 3/20/15

# Application For Relief - Code Enforcement Liens

- iv. Whether the County lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.
- No, but it will hold us up from selling it

**Please provide written justification as to why relief should be granted:** (When you complete this section, at a minimum, address the above factors and reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

PROPERTY LITIGATION: (If applicable give detail here if this property is involved in litigation.)

I certify that I am: (Include documentation of the below)

- the owner of the subject property;
- an Attorney representing the owner,
- the legal representative for the property, or
- otherwise authorized to act on behalf of the property owner in this matter.

  
\_\_\_\_\_  
Signature of Owner/Authorized Representative

8.8.2017  
Date

AARON ZELINKAS – MANAGING MEMBER FOR CURRENT OWNER  
SOUTHEAST PROPERTY ACQUISITIONS, LLC  
Print Name

Previous Instrument | Next Instrument

Inst. Number: 201741006673 Book: 2657 Page: 4664 Page 1 of 3 Date: 1/24/2017 Time: 12:45 PM  
Angelina "Angel" Colonneso Clerk of Courts, Manatee County, Florida Doc Deed: 1,045.80

5149,400 |  
31,045.80  
DSA

Filing # 46971771 E-Filed 09/27/2016 01:59:52 PM

SPACE ABOVE RESERVED FOR RECORDING INFORMATION

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

JPMorgan Chase Bank, National Association

Plaintiff,

-vs.-

DONALD G. SPILLER; UNKNOWN  
SPOUSE OF DONALD G. SPILLER;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC., AS  
NOMINEE FOR CAPITAL ONE, F.S.B.; THE  
BANK OF NEW YORK MELLON F/K/A  
THE BANK OF NEW YORK, AS  
SUCCESSOR TRUSTEE TO JPMORGAN  
CHASE BANK, N.A., AS TRUSTEE FOR  
THE CERTIFICATEHOLDERS OF CWABS  
MASTER TRUST, REVOLVING HOME  
EQUITY LOAN ASSET BACKED NOTES,  
SERIES 2004-O; MANATEE COUNTY,  
FLORIDA; UNKNOWN TENANT #1;  
UNKNOWN TENANT #2;

Defendant(s).

Case #: 41-2015-CA-002416AX

DIVISION: B

FILED FOR RECORD  
2017 JAN 18 PM 12:02  
CLERK OF THE CIRCUIT COURT  
MANATEE CO. FLORIDA

CERTIFICATE OF TITLE

The undersigned, Angelina "Angel" Colonneso, Clerk of the Court certifies that he executed  
and filed a Certificate of Sale in this action on 1/5/2017, for the property described

Previous Instrument | Next Instrument

**BK 2387 PG 4051 Dkt# 2940238**

**R. B. "CHIPS" SHORE Clerk of Circuit Court Manatee County FL. Filed & Recorded 8/2/11 8:45:05 AM (1 of 1)**

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

RECORDED  
R. B. SHORE

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

2011 JUN 30 AM 10:48  
Case No. CE2011040316

vs.  
DONALD G. SPILLER,  
Respondent,

CIRCUIT COURT  
MANATEE COUNTY, FLORIDA

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on June 22, 2011, 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 Donald G. Spiller, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the 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 the Respondent by certified mail.
4. That the property located at 7329 Phillips Street, Sarasota, Florida, DP 6690800005, has a violation of Manatee County Land Development Code Section 703.2.23.1 because trash and debris is on the property.
5. That the Respondent is in violation of Section 703.2.23.1 for having trash and debris on the property.

**CONCLUSIONS OF LAW**

1. That the 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 July 22, 2011, it is hereby ordered that Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past July 22, 2011.
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 June 22, 2011, and executed this 30 day of June, 2011.

ATTEST: R. B. Shore  
Clerk of Circuit Court

*R. B. Shore*  
Manatee County Code Enforcement  
Special Magistrate

By *[Signature]*  
Deputy Clerk



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, DONALD G. SPILLER, 7329 PHILLIPS STREET, SARASOTA, FLORIDA 34243-1425, by U.S. mail and to the Manatee County Code Enforcement Division, this 31 day of June, 2011.

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



STATE OF FLORIDA, COUNTY OF MANATEE  
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 2 day of August, 2011.

By *[Signature]*  
Deputy Clerk

R. B. SHORE  
Clerk of Circuit Court  
By *[Signature]*, D.C.

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).

Previous Instrument | Next Instrument

**BK 2387 PG 4157 Dkt#2940289**

**R. B. "CHIPS" SHORE Clerk of Circuit Court Manatee County FL. Filed & Recorded 8/2/11 9:17:51 AM (1 of 1)**

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

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

vs.  
DONALD G. SPILLER,  
Respondent,

RECORD  
R. B. SHORE

Case No CE2011040316  
FILED JUN 30 AM 10:48

CLERK  
MANATEE CO. FLORIDA

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on June 22, 2011, 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 Donald G. Spiller, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 703.2.20 were made and served on the Respondent by certified mail.
4. That the property located at 7329 Phillips Street, Sarasota, Florida, DP 6690800005, has a violation of Manatee County Land Development Code Section 703.2.20 because there is unscreened outdoor storage (miscellaneous items) in the carport.
5. That the Respondent is in violation of Section 703.2.20 for having unscreened outdoor storage (miscellaneous items) in the carport.

**CONCLUSIONS OF LAW**

1. That the Respondent is in violation of Manatee County Land Development Code Section 703.2.20.

**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 703.2.20.
2. THAT if this Order is not complied with on or before July 22, 2011, it is hereby ordered that Respondent shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past July 22, 2011.
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 June 22, 2011, and executed this 30 day of June, 2011.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Susan Blomine  
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, DONALD G. SPILLER, 7329 PHILLIPS STREET, SARASOTA, FLORIDA 34243-1425, by U.S. mail and to the Manatee County Code Enforcement Division, this 30 day of JUNE, 2011.

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

By: Vicki Garratt  
Deputy Clerk



STATE OF FLORIDA, COUNTY OF MANATEE  
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 1st day of August, 2011.

R. B. SHORE  
Clerk of Circuit Court  
[Signature], DC

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).



CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,  
Complainant,

vs.

CASE NO. CE2011040316

DONALD G SPILLER,  
Respondent.

**ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS**

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on August 30, 2017, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

1. The Orders Imposing Fines were issued on June 22, 2011 found that Respondent(s), Donald G Spiller, was the owner(s) or person(s) in charge of the property located at 7329 Phillips St, Sarasota, FL, and identified in the Manatee County Property Appraiser's records as PIN 6690800005, and that the property was in violation of Sections 703.2.23.1 & 703.2.20 of the Manatee County Land Development Code, in that Respondent had trash and debris and unscreened outdoor storage and had failed to remedy the aforesaid violation.
2. The Orders Imposing Fine imposed a minimum fine of \$150.00 plus \$100 per day for each day each violation(s) continued to exist past the compliance date ordered.
3. As of the date of the hearing, fines imposed against Respondent(s) totaled \$429,100.00, and a certified copy of the Order of Imposing Fine/Lien issued on was recorded in the Public Records of Manatee County Book 2387, Page 4157 and Public Records of Manatee County Book 2387, Page 4051, and thereafter constituted a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.
4. The corrective action ordered in the Order Imposing Fine has been completed and the property is now in compliance with Manatee County Land Development Code.
5. Justification exists to refer this case to the Manatee County Board of County Commissioners with a recommendation to reduce the outstanding fines to \$1,000.00 plus \$40.00 in recording fees.

DONE AND ORDERED the 30<sup>th</sup> day of August, 2017.

*Paul O'Leary*

Manatee County Code Enforcement  
Special Magistrate

ATTEST: Angelina Colonneso, Clerk of the Circuit Court  
Manatee County

By: *A Colonneso*  
Deputy Clerk



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been furnished to Respondent, Southeast Property Acquisitions LLC, 5009 N Central Ave, Tampa, FL 33609, by US Mail and to the Manatee County Code Enforcement Division, this 30th day of August, 2017.

Angelina Colonnese, Clerk of the Circuit Court  
Manatee County

By:   
Deputy Clerk

For further information on this matter contact Code Enforcement at 941-748-2071.

# CITIZENS' COMMENTS

(Agenda Items)

DID NOT SPEAK

#13

Item #: 13

CONSENT:  NO  YES

The Board of County Commissioners welcomes your comments. Your presentation must be limited to three (3) minutes per item or matter, with a total limit of ten (10) minutes. If appropriate, the matter(s) you present will be placed on a future commission agenda.

It is requested that you complete this form and return it to the receptionist prior to the beginning of the Citizens' Comments portion of the agenda.

Name:

ALAN ALBERCORN

Address:

\_\_\_\_\_

Phone: (Home)

\_\_\_\_\_

(Work)

\_\_\_\_\_

Brief description of problem or concern:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_