

November 27, 2018 - Regular Meeting
Agenda Item #18

Approved in Open Session 11/27/18
Manatee County
Board of County Commissioners

Subject

Reduction of Code Enforcement Fines for Gregory & Ina Art - CE2008080287

Briefings

None

Contact and/or Presenter Information

Jeff Bowman, Code Enforcement Division Chief, Ext. 6854

Action Requested

Motion to reduce the fines for this case to \$1,000.00 plus \$20.00 recording fees, as previously recommended by the Special Magistrate on October 24, 2018, subject to the following conditions:

1. The reduced fine shall be paid within 90 days or it will revert to the original fine amount of \$76,695.00, which includes \$20.00 in recording fees, for CE2008080287.
2. Recording fees shall be paid, which total \$20.00.
3. Building and Development Services Department Director is authorized to sign Satisfaction of Lien if the reduced fine is paid in full.

Enabling/Regulating Authority

Section 162.09, Florida Statutes

Section 2-7-27, Code of Ordinances

Background Discussion

The original owner, James Czachowski, was cited for having trash and debris in the carport and the front yard of this property.

Gregory & Ina Art, who are the current owners, paid for the home in cash without the knowledge of any open liens. Gregory & Ina Art are respectfully requesting a reduction of the total fine amount from \$76,695.00 to \$1,000.00 plus \$20.00 recording fees.

Violation: Section 703.2.23.1 of the Land Development Code

History:

1. Notice of Violation was issued August 15, 2008.
2. The Special Magistrate Hearing was held on January 28, 2009. The owner was ordered to comply by February 20, 2009, or a fine of \$75.00 per day would be imposed.
3. Complied December 9, 2011
4. Fines for this case total \$76,695.00, which includes \$20.00 recording fees.

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - November 27, 2018

5. Special Magistrate Mitigation Hearing was held October 24, 2018. The Magistrate determined that justification exists to forward the request to the Board of County Commissioners with a recommendation to reduce the fine amount, which totals \$76,695.00, to \$1000.00 plus \$20.00 recording fees, for a total of \$1,020.00 to settle this case. Staff recommends approval.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please forward approval to: Jeff.Bowman@mymanatee.org.

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [BOCC Attachments Nov. 27, 2018 - Gregory & Ina Art.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 a fillable 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 #CE 2008080287 Manatee County - vs - (Respondent)
Property Information

Parcel Identification Number: <u>6116400000</u>	
Lot: <u>13</u>	Block: <u>C</u> Subdivision: <u>SOUTH WOOD VILLAGE</u>
Address: <u>5820 21ST ST W</u>	
City: <u>BRADENTON</u>	Zip Code: <u>34207</u>

Property Owner Information

Current property owner: <u>GREGORY D. & NAJ. ART</u>		
Address: <u>2912 26th AVE. DR W.</u>		
City: <u>BRADENTON</u>	State: <u>FLORIDA</u>	Zip: <u>34205</u>
Phone #:	Email address:	
Representative/Agent:		
Address:		
City:	State:	Zip:
Phone #:	Email address:	

Lien Information

Amount of lien: <u>70,675.00</u>	Amount of offer: <u>\$1,000 - + \$20 recording fees</u>
Date lien was recorded:	Number of days the property was in Violation:
Date of Compliance:	How much money was spent to abate the Violation:

The following documentation (when applicable) SHALL be submitted with the application:

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown;
2. Foreclosure Order, with the recording date, book and page shown;
3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;

Case #CE

(Respondent)

Address:

- 4. New Certificate of Title, with the recording date, book and page shown;
- 5. County's Final Order of Imposition of Fine; and
- 6. Claim of Lien(s) with the recording date, book and page shown.

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

- 1. The nature and gravity of the violation(s);
- 2. Any actions you have taken to correct the violation(s);
- 3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- 4. Any actual costs you expended to cure the violation(s), if supported by documentation;
- 5. Any other prior or current violations you committed on the subject property or upon any other property you own within the County; and
- 6. Equitable considerations.
 - i. Whether there was any extraordinary hardship which existed or currently exists;
 - ii. Whether the applicant was the property owner when the fine or lien was imposed;
 - iii. Whether the property is homestead or non-homestead property;
 - 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.

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.

Ina Joyce Art
 Signature of Owner/Authorized Representative

8/31/18
 Date

Ina Joyce Art
 Print Name

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 Lien

Manatee County
Code Enforcement Division
1112 Manatee Avenue West
Bradenton, FL 34205

Dear Code Enforcement:

My name is Gregory Art. I am the current owner of the property located at:

5820 21st Street West
Bradenton, FL 34207

I purchased this property in August of 2012. My family and I lived in this property from August of 2012 until June of 2016. During that time, the property was homesteaded.

In January of 2016, my dad suffered a stroke. In June of 2016 we purchased the property at our current address to accommodate our need to care for my dad. At that time, we rented the property on 5820 21st Street West and moved our homestead exemption to our current address.

I am a native of Manatee County and I have never violated any residential codes in Manatee County. It is my understanding that the code violation occurred in 2008.

The Manatee County Property Appraiser lists the owner as one James Czachowski in 2008. In December of 2010, Mr. Czachowski sold the property to one Warren Standafer. In August of 2012, the Property Appraiser lists the sale for \$49,000 directly from Mr. Standafer to me. The truth is I paid \$54,000 to purchase this property from a real estate group that purchases properties and flips them for a quick profit. Mr. Standafer sold it to the real estate group who sold it to me. I am the fourth owner down the line from Mr. Czachowski. I purchased this property for cash and as such, there were no requirement to satisfy liens before I could make this purchase.

I must say, with all due respect, it is completely unfair that I should have to pay to satisfy a lien for a fine for a violation that I did not commit, a violation that took place four years prior to the time that I purchased the property. I, therefore, would like to offer to pay \$1000.00 for relief from this lien.

Thank you for your consideration.
Gregory Art
2912 26th Avenue Drive West
Bradenton, FL 34205
Cell: 321-403-5822

Rec. Fees: 18.50
Doc Stamps: 343.00
Int. Tax:
Index: pp 49,000.00

Prepared by and return to:

Chad J. Dates, Esq.
Bard Weintraub, P.L.
One South School Avenue Suite 500
Sarasota, FL 34237
941-917-0505
File Number: 2397.00001

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 6th day of August, 2012 between Warren Scott Standafer whose post office address is 8040 Providence Road , Suite 400, Charlotte, NC 28277, grantor, and Gregory D. Art and Ina J. Art, Husband and Wife whose post office address is 1322 Briarwood Dr., Rockledge, FL, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of **Forty-Nine Thousand and 00/100 Dollars (\$49,000.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Manatee County, Florida** to-wit:

Lot 13, Block C, Southwood Village First Addition Re-Plat, according to the map or plat thereof as recorded in Plat Book 11, Page 56, Public Records of Manatee County, Florida.

Parcel Identification Number: 6116400000

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

The above described property is being conveyed subject to lien recorded in O.R. Book 2290, Page 5475, public Records Manatee County, Florida.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2011.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

WS

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Michael Mauer

[Signature] (Seal)
Warren Scott Standafer

[Signature]
Witness Name: William Fuhrmeister

State of PENNSYLVANIA
County of PHILADELPHIA

The foregoing instrument was acknowledged before me this 10th day of August, 2012 by Warren Scott Standafer, who is personally known or has produced a driver's license as identification.

[Notary Seal]

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
JOHN D. LIBERT, Notary Public
City of Philadelphia, Phila. County
My Commission Expires May 7, 2014

[Signature]
Notary Public

Printed Name: JOHN D. LIBERT

My Commission Expires: MAY 7, 2014



1/15/2009 3:20:35 PM

2008080287

PLW



9/2/2008 10:55:11 AM

2008080287

P.W.



9/2/2008 10:55:04 AM

2008080287

P.W.

EE 04



8/13/2008 2:05:31 PM



8/13/2008 2:06:07 PM



8/13/2008 2:06:16 PM

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE RECORD
MANATEE COUNTY, FLORIDA R. B. SHORE

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

2009 FEB -5 AM 10: 07

Case No. CE2008080287
CLERK OF CIRCUIT COURT
MANATEE CO. FLORIDA

vs.

JAMES CZACHOWSKI,
Respondent,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on January 28, 2009, 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 James Czachowski, hereinafter referred to as the Respondent is the owner of record of the subject property.
2. That notice was served on the Respondent and James Czachowski was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 703.2.23.1 (Refuse Prohibited), were made and served on the Respondent by posting the property.
4. That the property located at 5820 21st Street West, Bradenton, DP# 6116400000, has a violation of the Manatee County Land Development Code Section 703.2.23.1 because trash and debris (including but not limited to miscellaneous items in the carport) are on the property.
5. That the Respondent is in violation of Section 703.2.23.1 for having trash and debris (including but not limited to miscellaneous items in the carport) on the property.

CONCLUSIONS OF LAW

1. That the Respondent is in violation of the 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 shall correct the violation of the Manatee County Land Development Code Section 703.2.23.1.
2. THAT if this Order is not complied with on or before February 20, 2009, it is hereby ordered that the Respondent shall pay a minimum fine of \$100, plus \$25 per day for each and every day any violation described herein continues past February 20, 2009.
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 exists beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered January 28, 2009, and executed this 5th day of February, 2009.

ATTEST: R. B. Shore
Clerk of Circuit Court

[Signature]
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, JAMES CZACHOWSKI, 5820 21ST STREET WEST, BRADENTON, FLORIDA 34207, by U.S. mail, and to the Manatee County Code Enforcement Division, this 5th day of February, 2009.

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 6th day of March, 2009.
R.B. SHORE
Clerk of Circuit Court
By: *[Signature]* n.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).

CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,
Complainant,

CASE NO. CE2008080287

vs.

Greg & Irma Art,
Respondent.

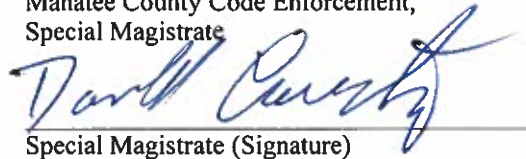
ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on October 24, 2018, 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 Compliance Orders issued on January 28, 2009 found that the original owner(s) James Czachowski, was/were the owner(s) or person(s) in charge of the property located at 5820 21st St. W., Bradenton and identified in the Manatee County Property Appraiser's records as: PIN6116400000, and that the property was in violation of **Section 703.2.23.1(Refuse Prohibited) of the Manatee County Code of Ordinances, in that the original property owner had trash and debris in the carport and the front yard.** The original property owner was to correct the violations on or before February 20, 2009 or the County, pursuant to Florida Statutes 162.09(1), is authorized to make all reasonable repairs required to bring the property into compliance.
2. The Compliance Order imposed a fine of \$75.00 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) total \$76,695.00 which includes \$20.00 in recording fees. A certified copy of the Order of Imposing Fine/Lien issued on March 9, 2009 was recorded in the Public Records of Manatee County Book 2290 Page 5475, 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 Compliance Order 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 staff recommendation to reduce the outstanding fines to \$1,000.00 plus \$20.00 in recording fees.

DONE AND ORDERED this 24th day of October, 2018.

Manatee County Code Enforcement,
Special Magistrate



Special Magistrate (Signature)

Print Name: Donald Courtney

CASE NO. CE2008080287

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been filed for the record on October 24, 2018 and has been furnished to the Respondent (s),

- Personally, on this 24th day of October, 2018
- By US Mail on this 24th day of October, 2018

Robin Dyer, Code Enforcement Administrative Specialist
Manatee County

By: 
Administrative Specialist (Signature)

Print Name: Ms. Robin J Dyer

Code Enforcement Division
1112 Manatee Ave West
Bradenton, FL. 34205

Attention: It is your responsibility to notify Code Enforcement at 941-748-2071 to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.