

**SPECIAL MAGISTRATE
CITY OF FORT PIERCE, FLORIDA**

SM CASE # 15-0401

RE: Violation of Section(s): 5-1.105.1, Code of Ordinances of the City of Fort Pierce, Florida

Violator: WILLIAM R SAMUELLS & WILLIAM C. SAMUELLS, 1010 BOSTON AVENUE, FT PIERCE, FL 34950

Property Address: 1010 BOSTON AVE

Tax ID #: 2409-802-0004-000/1

Legal Description: DUKETT S/D BLK 1 S 135.5 FT OF LOT 7 AND E 5 FT OF S 135.5 FT OF LOT 8 (OR 3368-1544, 1546; 3438-1171)

ORDER ON RULE 16 HEARING

THIS CAUSE came before the Special Magistrate on January 20, 2015 upon the request of the Violator, William R Samuells, for and on behalf of himself and William C. Samuells, pursuant to Rule 16 of the Rules of Procedure of the Code Enforcement Board and the Special Magistrate, to determine whether there has been timely compliance with the requirements of the Order Determining Violation dated May 20, 2015 in this cause regarding the above-described real property (the "real property") and whether the fine under said Order Determining Violation should be adjusted. The Special Magistrate, having heard and considered the evidence presented and arguments made, having considered the criteria specified in said Rule 16, and being otherwise advised in the premises, finds that:

A. The Respondent has failed to bring the real property into compliance, a determination that is not disputed by the Respondent who indicates that he has been unable to do so for reasons associated with his health and finances and that he does not expect to be able to do so in the future; however, he should be granted an additional period of time within which to bring the real property into compliance. The total amount of the fine accruing under the Order is \$620.00 (\$20.00 recording fees) as of December 18, 2015.

B. The Department initially interpreted the Respondent's request for a hearing as one seeking additional time to bring the real property into compliance and recommended that, if the Special Magistrate was inclined to allow the fine to continue to accrue under the prior Order, the total amount of such fine so accruing should be capped at a reasonable amount. Accordingly, it is

ORDERED as follows:

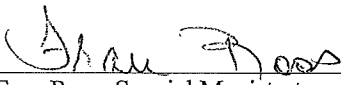
1. The Respondent is granted an extension of time of 6 months from the date of this hearing within which to bring the real property into compliance with the requirements of the prior Order; and the Respondent is responsible for notifying the Division of Code Enforcement of the City of Fort Pierce, Florida (the "Department") at (772) 467-3149, when, in the Respondent's view, the real property is in compliance with the requirements of the prior Order.

2. The accrual of the fine under the prior Order is abated during said 6 month time period, and, if the Respondent fails to bring the real property into compliance within said 6 month time period, the fine shall thereupon and thereafter continue to accrue at a daily, cumulative rate specified in the prior Order; provided, however, that the total amount of such fine so accruing shall be capped at or not to exceed \$7,500.00.

3. The Special Magistrate reserves ruling on the issues described in the initial paragraph of this Order until further hearing thereon which shall be scheduled by the Department, with notice thereof to the Respondent, after the expiration of said 6 month time period or upon confirming that the real property has been brought into compliance, whichever occurs first.

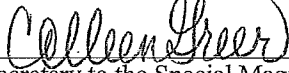
4. In the event of any inconsistencies between the provisions of this Order and the provisions of the prior Order, such provisions of the prior Order shall be considered amended to the extent specified in this Order.

DONE AND ORDERED this 27th day of January, 2016, *nunc pro tunc* January 20, 2016.



Fran Ross, Special Magistrate

I CERTIFY that a copy of the above Order was mailed to the Violator, William R. Samuells and William C. Samuells, 1010 Boston Avenue, Ft. Pierce, FL 34950 and to Steven R. McCain, Esquire, Assistant City Attorney, PO Box 1480, Ft. Pierce, FL 34954-1480, on this 27th day of January, 2016.



Colleen Greer, Secretary to the Special Magistrate