

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

CEB CASE #7-3546, formerly 8-05

RE: Violation of Section(s): 5-368, Code of Ordinances of the City of Fort Pierce, Florida

Violator/Respondent: Sherry A. Brown, 1707 Sunset Isles Road, Fort Pierce, FL 34949

REAL PROPERTY LOCATION

AND LEGAL DESCRIPTION: 1707 Sunset Isles Road, Fort Pierce, St. Lucie County, Florida
2412-503-0004-000/3 Surfside Unit Two Blk 11 Lot 4

ORDER ON RULE 16 HEARING

THIS CAUSE came before the Special Magistrate for hearing on August 5, 2009, upon the request of the Respondent, Sherry A. Brown, 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 a prior order of Code Enforcement Board regarding the above-described real property (the "real property") and whether the fine of said prior order should be adjusted. The Special Magistrate, having heard and considered the evidence presented and the representations made, having considered the criteria specified in said Rule 16, and being otherwise advised of the premises, finds that:

A. The Code Enforcement Board entered a Corrected Order Determining Violation dated May 14, 2008 which found the Respondent to be in violation of the Code provision specified therein by failing to take actions described therein on the real property and further provided that, in the event such violations were not remedied within the periods specified therein, there shall be imposed a fine at a daily, cumulative rate of \$250.00. Subsequent inspection of the real property by the Department of Building and Code Enforcement of the City of Fort Pierce, Florida ("Department") revealed that the Respondent had failed to comply with certain requirements specified in said prior Order which thereby resulted in the referenced fine beginning to accrue and that the real property eventually came into compliance with the total amount of the fine accruing under said prior Order being \$15,500.00.

B. The gravity of the violations was considered minor to moderate in that the Respondent was required to obtain a permit and conduct work on the real property, and, even though a permit was obtained, such work was not completed and the permit expired. Additionally, previous violations were committed at the real property. The Respondent presented evidence indicating financial hardship. The Department recommends that the amount of said fine should be reduced to the sum of \$3,500.00, and the Respondent requests a reduction to a sum less than that recommended by the Department. In considering all of said factors, the amount of said fine should be reduced to the sum of \$2,000.00 subject to and conditioned upon the Respondent paying said reduced sum within 1 year of the date of this Order, and if the Respondent fails to pay said reduced fine of \$2,000.00 within said 1 year time period, then the Respondent should pay the fine recommended by the Department - i.e., \$3,500.00. Accordingly, it is

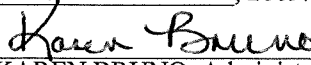
ORDERED as follows:

1. The fine accruing under said prior Order, said fine being \$15,500.00, shall be considered reduced to the sum of \$2,000.00 subject to and conditioned upon the Respondent paying to the City of Fort Pierce, Florida, at 100 North U.S. #1, Fort Pierce, Florida 34950, said reduced fine of \$2,000.00 within 1 year of the date of this Order.
2. If the Respondent fails to pay to the City of Fort Pierce, Florida said reduced fine of \$2,000.00 within 1 year of the date of this Order, then the Respondent shall owe and pay to the City of Fort Pierce, Florida a fine of \$3,500.00, and this Order may thereupon or thereafter be recorded in the public records of St. Lucie County, Florida and shall thereupon and thereafter have the effect provided by §162.09, *Fla.Stat.*, including that it shall thereupon and thereafter constitute a lien on the real property and upon any other real or personal property owned by the Respondent.
3. The Respondent is responsible for notifying the Department promptly at (772) 460-2200, Extension 284, when the above-stated fine is paid.

DONE AND ORDERED this 12th day of August, 2009.


FRANK BLANDINO, ESQUIRE, SPECIAL MAGISTRATE

I CERTIFY that a copy of the above order was mailed to the Respondent, Sherry A. Brown, 1707 Sunset Isles Road, Fort Pierce, FL 34949, and to Steven R. McCain, Esquire, Assistant City Attorney, PO Box 1480, Ft. Pierce, FL 34954-2480, on this 17th day of August, 2009.


KAREN BRUNO, Administrative Assistant

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY

FILE # 3505041 08/17/2010 at 03:57 PM
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RECORDING: \$10.00