



THE SUNRISE CITY
FORT PIERCE
 BUILDING DEPARTMENT
Florida

REQUEST FOR A REDUCTION OR RESCINDMENT OF
 BUILDING VIOLATION LIENS

Date:	December 14, 2022				
Property address:	2501 Okeechobee Rd, Fort Pierce, FL 34947				
Owner(s) of record:	Spirit FL Town-Star 2014 - 2, LLC				
Mailing address:	c/o GPM Investments, LLC, 8565 Magellan Parkway, Suite 400, Richmond, VA 23227, Attn: Legal Department				
Property tax ID #:	2417-503-0001-000/7				
Original purchase date:		Original purchase price:			
Property is used for:	<input type="checkbox"/> Single Family	<input type="checkbox"/> Multi-family	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Industrial	<input type="checkbox"/> Vacant Lot
Name of person requesting reduction:	Julius Schwarz		Relationship to owner(s)	Tenant	
Telephone #:	917-386-4414		Mobile phone #:		
E-mail:	js@jsrllaw.com		Preferred contact method:	email	
What are owner(s) intentions for property:	commercial use, as currently used.				
Are there current code violations?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	Explain: (please attached notice)		
Is property listed for sale?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, what is listing price?		
Is property under contract for sale?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	If yes, what is the sale price?		

AMOUNT OF FINE / LIEN

\$ 36,350.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 32,715.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 3,635.00

Signature of Owner or Representative

December 14, 2022
 Date

REQUEST FOR REDUCTION OF PENALTY FOR BUILDING VIOLATIONS

By completing this form, you are making statements under oath. Failure to be truthful is a violation of Fort Pierce City Code and Florida Statutes pertaining to perjury, which is a felony punishable by up to fifteen (15) years imprisonment.

INSTRUCTIONS:

1. Please fill in blanks completely.
2. Be specific when writing your statement. Use additional pages if necessary.
3. If you are claiming medical or financial hardship, attach supporting documentation (i.e. doctor's statement or proof of income).
4. Complete the appropriate application for lien reduction / rescindment.
5. For lot clearing or demolition liens, contact Kathy D'Arton in the Finance Department (772-467-3076) for cost / fees breakdown.
6. For code enforcement liens (those imposed by a Special Magistrate), contact Katherine Calderon (772-467-3149) for cost / fees breakdown.
7. For building violation liens (those imposed by a Special Magistrate or Code Enforcement Board), contact Elizabeth Beck (772-467-3712) for cost / fees breakdown.
8. If you do not have access to a Notary Public, one will be provided to you by the Department at no charge. All forms must be signed in the presence of the Notary to be valid.
9. Return this form, the application and any other pertinent documentation to the Building Department.
10. Requests for Reduction / Rescindment of building violation liens are governed by Rule 15 of the City's Rules & Regulation for Code Enforcement Board and Special Magistrate.

Property Address: 2501 Okeechobee Rd, Fort Pierce, FL 34947

Property Owner: Spirit FL Town-Star 2014 - 2, LLC

Mailing Address: c/o GPM Investments, LLC, 8565 Magellan Parkway, Suite 400, Richmond, VA 23227, Attn: Legal Department

Telephone #: 917-386-4414 Cell Phone #: _____

E-Mail Address: js@jsrllaw.com

Is the property in compliance? Yes If not, please explain in the narrative of your request.

I, Maury Bricks, General Counsel of Florida Convenience Stores, LLC, the tenant, do hereby submit this Petition in request for a reduction in the total amount of the penalty imposed and in support offer the following statement:

Please see attached statement

Signed: _____ Date: December, 2022

Print Name: Maury Bricks

STATE OF ~~FLORIDA~~ VIRGINIA

COUNTY OF ~~ST. LUCIE~~ HENRICO

PERSONALLY APPEARED before me, the undersigned authority Maury Bricks who acknowledged before me that the information contained herein is true and correct. He or She is / is not personally known to me and has produced _____ as identification.

SWORN TO AND SUBSCRIBED before me this 14th day of December, 20 22.

Rachael Walker

Notary Public, State of ~~Florida~~ Virginia

Rachael Victoria Walker
Notary Public
Commonwealth of Virginia
Reg. No. 7966075
Commission Expires 9/30/2025

Lien Reduction Memo Case# 20-00001558

Florida Convenience Stores, LLC is tenant under a certain Consolidated, Amended and Restated Master Lease dated April 2, 2019 (the "Lease") by and between Florida Convenience Stores, LLC as "Tenant" and Spirit FL Town Star 2014-2, LLC, as "Landlord." Tenant succeeded under the Lease to the interests of the original tenant, Town Star Holdings, LLC ("Town Star"). Town Star was the debtor under a Chapter 11 bankruptcy filing, In Re Town Star, Case No.: 9:19-00667-FMD, filed with the United States Bankruptcy Court for the Middle District of Florida, Ft. Myers Division (the "Bankruptcy Court"). Attached are the relevant orders from the Bankruptcy Court approving Tenant's acquisition of substantially all assets of Town Star pursuant to Sections 105, 363 and 365, of title 11 of the United States Bankruptcy Code (the "Bankruptcy Code"), as well as approving the assignment of the original lease with Landlord. Pursuant to these orders from the Bankruptcy Court, Tenant was to acquire the property and other assets of Town Star "free and clear of all liens, claims, encumbrances, and other interests."

On July 7, 2020, Landlord received a notice of violation Case #20-00001558 which required the replacement of an existing awning and replacement of an existing menu board. Tenant was not made aware of such violation until November 19, 2020. In addition, Tenant as a result of acquiring the Lease through the Town Star bankruptcy had no knowledge of the potential for these violations, given that these structures were originally erected by Town Star. In order for Tenant to cure the violation, Tenant was asked by the Fort Pierce Building Department to provide copies of engineer drawings. This request required Tenant to hire structural, electrical, and footing engineers as well as to apply for city permits. This process took several months to find engineers who would take on this project and finalize. The violation was finally cured on September 21, 2022, and a letter from the Fort Pierce Building Department was received on September 26, 2022. However, by the time the violation was cured, the property had already started to accrue penalties of \$100/per day commencing on October 5, 2021, by which time penalties in the amount of \$36,350.00 had accrued.

We kindly ask that such fines be drastically reduced, as Tenant did everything possible to get the matter resolved as soon as they were aware of the violation which unfortunately was several months after such violation was issued to Landlord.

OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION

Property Address:	2501 Okeechobee Rd, Fort Pierce, FL 34947
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I acknowledge that I have been provided a copy of Rule 15 of the Rules of Procedure for the City of Fort Pierce Code Enforcement Board and Special Magistrates and that I have read the rules and being advised as such make the following request:

I am requesting that my application for lien reduction be processed administratively through the Rules of Procedure Sec. 15(a,b), I understand the requirements to be met and that I waive my right to a hearing before either the Special Magistrate or City Commission.

I am requesting that my application for lien reduction be processed through the Rules of Procedure Sec. 15(a,c,d), I understand the requirements to be met and that my request will be heard and determination made by the Special Magistrate that authorized Order Assessing Fine and Imposing Lien.

Signature of Owner or Representative

12/14/2022

Date

COFP – APPLICATION PROCESS DETERMINATION

Staff has reviewed the request for lien reduction and agrees to process the application as requested by the signing party.

Staff has reviewed the request for lien reduction and does not agree to process the application as requested by the signing party.

Comments:

Shaun Coss, Building Department Coordinator

1/3/23

Date

Rule 15: Requests for Reduction of Liens.

- A. All requests to reduce a lien imposed by the City must meet the following requirements:
- (1) For liens imposed pursuant to Fla. Stat. § 162.09, a Respondent may request a reduction of the lien only after the original violation is in compliance and the Department has issued an Affidavit of Compliance.
 - (2) The request must be in writing in a form provided by the Department.
 - (3) The request must be made by the owner. If the request is made by any other interested party, written proof of permission to act on behalf of the owner must be provided.
 - (4) A copy of the deed, showing title transfer to the current owner, must be provided.
 - i. If the property was conveyed via Special Warranty Deed or Warranty Deed, the owner must provide proof of their attempt to have the guaranteeing party take responsibility for the debt without success.
 - (5) A statement or explanation as to why the City should consider the request for reduction. The request should include a narrative with any supporting documentation to be considered in furtherance of such request.
 - (6) There shall be established an application fee of \$250.00 for all requests to reduce a lien that must be heard by the Special Magistrate. Such fee shall be assessed by the Special Magistrate following consideration of the request and is in addition to any other administrative fees assessed. Any reduction or waiver of such fee may only be granted upon proof of sufficient cause by the Requestor.
- B. If any of the following conditions are met, the Department has the authority to process a lien reduction request and issue a Release of Lien:
- (1) The amount of settlement for a property zoned residential with less than four (4) dwelling units is \$5000 or more and is payable in less than 30 days.
 - (2) The amount of the settlement for a property either zoned residential with four (4) or more dwelling units, zoned commercial, or zoned industrial is \$10,000 or more and is payable in less than 30 days.
 - (3) The settlement is based upon the receipt of excess tax sale proceeds that have been received by the City and respectively cover the administrative costs incurred.
 - (4) The amount of settlement for requests of partial lien releases due to a spreading lien as provided for in Fla. Stat. § 162.09(3) is equal to or more than 3% of the lien to be released and the property receiving the benefit of the lien reduction is located outside the Fort Pierce city limits.
 - (5) The amount of settlement for nuisance abatement and demolition liens is equal to or greater than the hard costs for service plus 50% of the interest, penalties, and administration fees assessed by the City.

The Department shall forward the request to the Special Magistrate if additional review is required, if a hearing is specifically requested, or in the best interest of the City. The Department and Requestor may enter into an agreement to settle the lien reduction. Any written agreement

between the requesting party and the Department to settle the lien reduction shall constitute a waiver of hearing by the Special Magistrate by both parties.

C. If the request does not meet the criteria outlined in Section (B), the Department has determined the request requires additional review, or the requesting party chooses to not waive his or her right to a hearing, the Department shall schedule a hearing on the request before the Special Magistrate, with notice to the Requestor. After hearing both sides, the Special Magistrate shall make a determination that the request for reduction of the lien be denied, granted, or granted with conditions. The determination will be based upon evidence, upon consideration of the following criteria:

- (1) The gravity or seriousness of the violation;
- (2) Any and all actions taken by the violator to correct the violations or, if the violation was not corrected by the original violator, what action was taken by any other owner or party in interest to bring the property into compliance;
- (3) The length of time necessary to bring the property into compliance;
- (4) The number of times the violator was previously found in violation by either the Code Enforcement Board, Special Magistrate, or other quasi-judicial or judicial process, or otherwise admitted guilt in any such proceeding;
- (5) The number of violation notices the violator has received in the past as well as their nature and the final disposition of each such notice;
- (6) Whether and to what extent there are extenuating factors preventing timely compliance, such as unavoidable personal hardship.
- (7) Whether and to what extent there are pending violation proceedings on the subject property or any other property within the City owned by the Requestor.

D. If the Special Magistrate determines that the request for reduction be approved and the following conditions are met, they may order the Department, once payment is received and any other conditions are met, to issue a Release of Lien:

- (1) For liens imposed pursuant to Fla. Stat. § 162.09, in a reduced amount that is no less than the amount sufficient to cover the administration costs for processing the case plus the \$250.00 application fee.
- (2) For nuisance abatement liens, in a reduced amount that is no less than the amount sufficient to cover the following conditions:
 - i. The reduced amount must include the hard costs for services.
 - ii. The reduced amount must include the \$250.00 application fee.
 - iii. The City imposed interest and penalties may be waived in full if the Special Magistrate determines that it is in the best interest of the City.
 - iv. The consideration of administration fees must include any outstanding hard costs to the City including, but not limited to, recording fees.
 - v. The administration fees for liens imposed in the Requestor's name shall not be waived or reduced unless the Requestor can provide sufficient cause for such fee

to be waived or reduced, and the Special Magistrate determines it is in the best interest of the City.

vi. All other administrative fees may be waived or reduced as determined by the Special Magistrate.

E. An appeal of the Special Magistrate's decision may be made to the City Commission. Any such request for appeal must be in writing and received by the City Clerk's office no later than 30 days from the written determination of the Special Magistrate.

F. There shall be established an appeal fee of \$250.00 for any requests that must be heard by the City Commission. Such fee may be imposed after consideration by the City Commission.