



REQUEST FOR A REDUCTION OR RESCINDMENT OF
 BUILDING VIOLATION LIENS

Date:	7-19-2023		
Property address:	2007 AVE O Ft Pierce FL 34950		
Owner(s) of record:	Royal Leaf LLC		
Mailing address:	PO BOX 13712 Ft Pierce FL 34979		
Property tax ID #:	2404-609-0071-000-3		
Original purchase date:	5-6-2022	Original purchase price:	Quick claimed & paid the mortgage
Property is used for:	<input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> Multi-family	<input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Vacant Lot
Name of person requesting reduction:	DONOVAN SIMMS	Relationship to owner(s):	SAME
Telephone #:	786 267 0604	Mobile phone #:	786 267 0604
E-mail:	morris37200@yahoo.com	Preferred contact method:	email
What are owner(s) intentions for property:	Live in family home for kids		
Are there current code violations?	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	Explain: (please attached notice) N/A NONE ILLUMINATED
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

\$ 63,950.00

DOLLAR AMOUNT REQUESTING TO BE WAIVED

\$ 63,850.00

DOLLAR AMOUNT I AGREE TO PAY

\$ 100.00

Signature of Owner or Representative

7-19-2023
Date

I, DONOVAN SIMMS, 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:

This property WAS NOT OWNED by me when litigation began. The previous contractor Patrick Silas and owner walked away from this property. The contractor received money and the work was not completed, stated the mortgage company. I had to go through a lot of legal channels to fire the old contractor and to hire a new (one) contractor. I had to go through mortgage company for approval and stop the forecloser, re-submitting for approval. All of this took time and required paperwork for approval. Covid 19 was another big disappointment it put a stop on this project people were in lock down

Signed: [Signature] Date: 7-19-2023

Print Name: DONOVAN SIMMS

STATE OF FLORIDA

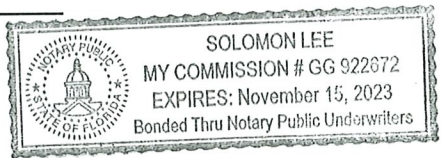
COUNTY OF ST. LUCIE

PERSONALLY APPEARED before me, the undersigned authority Donovan Simms 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 [Signature] as identification.

SWORN TO AND SUBSCRIBED before me this 19th day of July, 2023.

[Signature]

Notary Public, State of Florida



OWNER / REPRESENTATIVE REQUEST TO PROCESS APPLICATION

Property Address: 2007 AVE D Ft Pierce FL 34982

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]
Signature of Owner or Representative

7-19-2023
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:

[Signature]
Shaun Coss, Building Department Coordinator

8/1/2023
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.