

RESOLUTION NO. 19-202

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH ANDREA SHAYE MORGAN, THROUGH HER REPRESENTATIVE ATTORNEY ROBERT CINTRON, AS PROPERTY OWNER OF 621 EATON STREET, PERMITTING A RELEASE OF LIEN UPON PAYMENT BY THE OWNERS OF THE AMOUNT OF \$20,000.00; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, a property lien in the total amount of \$108,500.00, resulting from fines accrued in Code Compliance File No. 13-0758, was promulgated upon owner of record, Andrea Morgan; and

WHEREAS, on January 27, 2015, compliance was achieved, and daily fines were discontinued, however, the fine amount had accumulated to One Hundred and Eight Thousand Five Hundred Dollars (\$108,500.00), and on January 28, 2015 the Special Magistrate imposed an order for a lien to be filed; and

WHEREAS, the lien was filed with the Monroe County Clerk of Courts in Book number 2742, Page number 1897 on May 28, 2015; and

WHEREAS, on March 19, 2019, Code Compliance received a Lien Mitigation Request from Andrea Shaye Morgan, the property owner offering \$20,000.00 to settle the lien; and

WHEREAS, on July 16, 2019, the City Commission considered the owner's request to release the lien imposed on the property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1: That the City Manager, upon the advice and consent of the City Attorney, is authorized to enter into an agreement with Andrea Shaye Morgan, through her representative Attorney Robert Cintron, as the owner of the property known as 621 Eaton Street, to allow the City's release of lien upon payment of a mitigated amount of \$20,000.00.

Section 2: That the property owner shall pay the reduced lien amount of \$20,000.00 within thirty (30) days of the date of this Resolution as a condition precedent to the release of the \$108,500.00 lien.

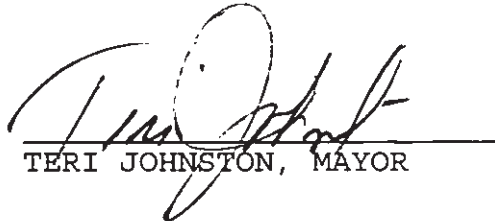
Section 3: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held
this 16th day of July, 2019.

Authenticated by the presiding officer and Clerk of the
Commission on July 16, 2019.

Filed with the Clerk on July 17, 2019.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Gregory Davila	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Absent</u>
Commissioner Clayton Lopez	<u>Absent</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>


TERI JOHNSTON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young Director of Code Compliance *JY*
Date: July 2, 2019
Subject: 621 Eaton Street Mitigation of Lien

Action statement:

On May 3, 2019 the attorney, Robert Cintron, representing the subject property owner, Andrea Morgan, contacted the City Code Compliance Department to ascertain the procedure for requesting a mitigation of a lien placed on the subject property located at 621 Eaton Street, Key West, FL. The total amount of the lien is One Hundred and Eight Thousand, Five Hundred Dollars, (\$108,500.00). Mr. Cintron is offering Twenty Thousand Dollars, (\$20,000.00), for the release of the lien placed by the City of Key West Code Compliance Department on the subject property pursuant to City of Key West Code of Ordinances Sec 2.635 and FL Statute 162.09 (to place the lien) and Sec. 2-646 (to remove lien).

Recommendation:

The City Manager as well as Staff are recommending the City Commission accept the mitigation offer of Twenty Thousand Dollars, (\$20,000.00).

Background:

Case Number 13-0758

On June 6, 2013 Code Compliance received a complaint from the Utilities Department that the subject property owner, Andrea Morgan, owed the City Four Thousand Five Hundred and Thirty-One Dollars and Thirty-Nine Cents, (\$4,531.39), in past due utility payments. An email message was sent to Ms. Morgan advising her of the past due money owed to the City. The email also advised on June 14, 2012 the City had filed Utility Liens in the following amounts, Three Hundred and Ninety Dollars and Thirty Cents, \$390.30, Two Thousand Six Hundred Dollars and Forty Cents, \$2,600.40, and One Thousand Five Hundred and Forty Dollars and Sixty-Nine Cents. A Notice of Code Violation / Notice of Hearing for the June 26, 2013 hearing date was sent via certified mail.

On June 13, 2013 the Notice of Code Violation/Notice of Hearing was signed for by Ms. Morgan.

The court hearing was continued to October 30, 2013 at which time the Special Magistrate found the subject property owner in violation of City of Key West Code of Ordinances Section 74-206, owner's responsibility for payment of sanitary sewer system account and Section 74-209, sanitary sewer system account being delinquent. The Special Magistrate assessed a Two Hundred and Fifty Dollar, (\$250.00), Administrative Fee and a Two Hundred and Fifty Dollar, (\$250.00), daily fine if compliance was not achieved by November 19, 2013.

On November 20, 2013 the Special Magistrate found the subject property owner had not achieved compliance and imposed the Administrative Cost and daily Fines.

On January 27, 2015 the subject property owner achieved compliance by paying the past due utility account, however, the fine amount had accumulated to One Hundred and Eight Thousand Five Hundred Dollars, (\$108, 500.00).

On January 28, 2015 the Special Magistrate imposed an order for a lien to be filed.

On May 28, 2015 a lien was filed with the Monroe County Clerk of Courts in Book number 2742, Page number 1897. The total amount of the lien was One Hundred and Eight Thousand Five Hundred Dollars, (\$108, 500.00).



THE CITY OF KEY WEST

Code Compliance Division

P.O. BOX 1409
KEY WEST, FL 33041
(305) 809-3740

NOTICE OF CODE VIOLATION AND ADMINISTRATIVE HEARING

DATE: June 6, 2013
RE: CASE NUMBER 13-00000758

CERTIFIED MAIL RECEIPT#: 7012 2210 0000 6252 9030

To:
Andrea Shaye Morgan
4646 Thornlea Road
Orlando, Florida 32817

Subject Address:
621 Eaton Street
Key West, FL 33040

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct an administrative hearing regarding code violation(s) reported to you by

NOTICE OF CODE VIOLATION concerning the above noted subject address.

You were noticed that your property is in violation of the City of Key West Code of Ordinances for the following reason(s):

Count 1-2

Sec. 74-209. - Delinquent payments; disconnection and reconnection of service.

(1)

An account shall be considered delinquent if payment for service is not received within 30 days of the date of meter reading.

(a)

If the due date falls on a weekend or legal holiday, it shall be extended to the next business day. In the event partial payment of a bill is made, that portion of the bill not paid within 30 days of billing shall be considered delinquent. However, government accounts shall be considered delinquent if payment is not received within 45 days of the date of meter reading.

(b)

The city manager is authorized to approve waiver of the delinquent account charge for a two-month billing period following mandatory or voluntary evacuation orders due to hurricane.

(2)

Delinquent accounts shall be charged a delinquent account charge in the amount greater of \$4.00 or ten percent of the total amount that is the delinquent outstanding balance unless the outstanding balance is less than \$5.00, in which instance no delinquent account charge will be

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imposed. In the event a partial payment is made between the 30th and 45th day from the date of meter reading, the total bill shall be subject to the delinquent account charge. However, all qualified senior citizens/disabled and government accounts are exempt from a delinquent account charge.

(3)

Service may be discontinued if the total delinquent amount that is past due is not received within 15 days of the current meter reading date shown on the bill. Failure to pay amounts due within the time designated for payment may result in a decision of the city manager or his agent causing disconnection of sewer service until all amounts due, including delinquent fees and accrued interest, have been paid in full. The city shall give 48 hours notice by hand delivery, use of a door hanger, notice by mail or telephone of proposed disconnection to the customer.

(4)

For service to be restored, the customer must request restoration of service and pay all amounts due, including the applicable service charge, and a guaranteed payment deposit.

(5)

In the event service is suspended twice as a result of account delinquency, service shall not be restored until the customer has paid a guaranteed payment deposit in an amount three times the average of the prior 12 months billing or \$200.00, whichever is greater.

(6)

Notwithstanding any other provision of this article when sewer service is subject to disconnection or has been discontinued due to account delinquency, the city may restore such service prior to payment of all amounts due, provided the customer has entered into a negotiated payment agreement.

(7)

Failure to pay amounts due within the time designated for payment shall result in the city exercising all reasonable business efforts to collect such unpaid amount, including, but not limited to, placing a lien on the property for all amounts due, including delinquent fees, interest, attorney fees and filing charges.

Count 2-2

Sec. 74-206. - Owner's responsibility for payment.

The owner of the property being served the city sewer system shall be responsible for payment of all amounts due from rates and charges established by this article.

For your information:

Sec. 74-210. - Charges constitute lien.

The city shall have a lien on all lands or premises served by the city sewer system for all sewer service charges until paid, which lien shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by the city in the manner provided by the state laws for the foreclosure of mortgages on real property.

TO WIT: Responding to this complaint I sent an email to Ms. Morgan letting her know that this case will be presented to our Special Magistrate on the next hearing date of June 26th, 2013. She has ignored numerous emails sent to her by our utility manager Mr. Michael Turner. Mr. Turner has tried to help Ms. Morgan reach an agreement to begin paying a delinquent utility account of

\$6003.36 US\$. Three separate utility liens were filed on 6.14.2012 for 390.30 US\$ - 2600.40 US\$ and 1540.69 US\$.

CORRECTIVE ACTION: Pay delinquent utility account.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:

June 26th, 2013

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to determine if a violation(s) exists, the appropriate action to be taken, if any is required, and if any fines or penalties are to be imposed. **YOU ARE REQUESTED TO APPEAR AT THIS HEARING** to present evidence and/or testimony to show cause, if any, why you should not comply with City Ordinances. **YOUR FAILURE TO APPEAR MAY RESULT IN A FINE OR PENALTY BEING IMPOSED AGAINST YOU AND A LIEN BEING IMPOSED UPON YOUR PROPERTY.**

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed to PO Box 1409, Key West, FL 33041 or delivered to the Special Magistrate's Legal Analyst at 3139 Riviera Drive, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Magistrate for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

If you are found to be in violation of City of Key West Ordinances, administrative costs in the amount of \$250.00 may be levied for administrative recovery for prosecution and investigation in addition to levied fines associated with the violation(s). Failure to pay these costs will result in a lien against the property in violation.

PER FLORIDA STATUTES SECTION 162.09, YOUR FAILURE TO CORRECT THE VIOLATION (S) MAY RESULT IN THE IMPOSITION OF A FINE OF UP TO \$250.00/DAY, AND \$500.00/DAY FOR A REPEAT VIOLATION. IF THE VIOLATION (S) IS IRREPARABLE OR IRREVERSIBLE, A FINE OF UP TO \$5000.00 MAY BE IMPOSED BY THE SPECIAL MAGISTRATE. FINES MAY BE IMPOSED ON A PER DAY/ PER VIOLATION BASIS.



Leonardo Hernandez
Code Compliance Officer
City of Key West
(305) 809-3730 Desk
(305) 797-8701 Cell



Leo Hernandez <lhermand@keywestcity.com>

621 Eaton Street

1 message

Andrea Morgan <shayemorgan@yahoo.com>
Reply-To: Andrea Morgan <shayemorgan@yahoo.com>
To: "lhermand@keywestcity.com" <lhermand@keywestcity.com>

Tue, Jun 18, 2013 at 10:51 AM

Dear Officer Hernandez:

I have just received the notice of code violation.

I sent a payment in the amount of \$100 weeks ago, to the address Mr. Turner gave me. I have not received it back in the mail; therefore, I will have to cancel that check and resend the payment, which I will do today.

I have given considerable thought to the payment agreement. I cannot in good conscience sign it. The City over-charged me for years, then when I took steps to have that rectified, mistakenly undercharged me. Two wrongs do not make a right and I do not agree with the balance Mr. Turner maintains that I owe. I believe I owe the difference of \$857.

I would like the magistrate to hear the facts of this account, however, respectfully request that it be at a hearing in August. I am working out of state the months of June and July. Is there an option to appear at the hearing by telephone?

If you would kindly give me a direct address where I can redirect my payment, I will send the payment, again, today.

Thank you for your continued courtesy and cooperation in this matter.

Very truly yours,
Andrea Morgan



THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

(305) 809-3740 (305) 809-3978 FAX

**BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OF THE CITY OF KEY WEST, FLORIDA**

CITY OF KEY WEST

FILE NO. 13-758

CERTIFIED MAIL # 7007 3020 0000 5347 5739

VS.

Andrea Shaye Morgan
621 Eaton Street
Key West, FL 33040

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come before the Special Magistrate on October 30, 2013, pursuant to the Florida Statutes Chapter 162 and Article VI et seq of the Key West Code, and the Special Magistrate having heard sworn testimony, having reviewed the evidence submitted, and being otherwise advised of the premises; The Special Magistrate finds that Andrea Shaye Morgan is in violation of Key West Code of Ordinances, section(s) 74-209 and 74-206. In that the following condition(s) exists at 621 Eaton Street, Key West, FL: Count 1: Not complying with the payment plan for the delinquent utilities.

Accordingly it is hereby
ORDERED:

1. That you pay a \$250.00 Administrative Fee. The delinquent amount of \$5,918.48 is due. Also imposed is a fine of \$250.00 per day if compliance is not met by November 19, 2013. A compliance hearing will be held on November 20, 2013 at Old City Hall, 510 Greene Street, Key West, FL at 1:30 pm. All fines and fees are payable within thirty (30) days from the date of this order to the City of Key West, Attn: Code Compliance Division, P. O. Box 1409, Key West, FL 33040.
2. The Respondent is further ordered to contact the City of Key West Code Inspector to verify compliance, which may include an inspection. Any continuing fine imposed shall continue to accrue until such time as the Code Inspector inspects the property and verifies compliance with this Order. This Order may be recorded in the official records of Monroe County for lien and judgment purposes. This case may serve as a predicate for a repeat violation should similar violations occur in the future as applicable.
3. If you request that the fine be reduced or mitigated you must be in compliance and you must request in writing to appear before the Special Magistrate two weeks prior to a hearing to show cause why said fine should be mitigated.

Done and Ordered this 16th day of Nov 2013.

The Code Enforcement Special Magistrate of the City of Key West, Florida


J. Jefferson Overby

Certificate of Order and Service

I hereby certify that this is a true and correct copy of the above Order and that a true and correct copy has been furnished to the Respondent(s) and/or Authorized Representative via certified mail to address of record with the Monroe Property Appraiser's Office on this 7th day of Nov, 2013.


Deborah Millett-Fowley, Recording Secretary



THE CITY OF KEY WEST

Code Compliance Division

P.O. Box 1409, Key West, FL 33040

TEL: (305) 809-3740, FAX (305) 809-3978

NOTICE OF LIEN HEARING

Case No.: **13-758** Date: **12-11-2014**

To: **Andrea Shaye Morgan
621 Eaton Street
Key West, FL 33040** Subject Address: **621 Eaton Street
Key West, FL 33040**

Certified Mail Receipt #:

POSTED

TAKE NOTICE that the City of Key West Code Compliance Division has requested the City of Key West Special Magistrate to conduct a lien hearing regarding code violation(s) reported to you by **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** concerning the above noted subject address.

In accordance with Florida Statutes § 162 and Code of Ordinances, City of Key West, § 2-631 through § 2-647, The City of Key West has scheduled a hearing to be held at Old City Hall, 510 Greene Street, Key West, Florida at 1:30 P.M. on:

January 28, 2015

The Chambers will be open at 1:00 PM. These proceedings may be televised.

The purpose of this hearing is to **IMPOSE A LIEN UPON YOUR PROPERTY** for non-payment of your Code Compliance fines and fees.

You have a right to have an attorney present at the hearing. If an attorney represents you, your attorney must file written notice with this office prior to the hearing date.

If you intend to request a continuance from the Hearing Date set out above you must submit a written request for a continuance addressed to the Special Magistrate and mailed or delivered to the Special Magistrate's Legal Analyst at 604 Simonton Street, P. O. Box 1409, Key West, FL 33040. All requests must be received at least five (5) working days prior to the Hearing Date set out above. If the request is not received five (5) working days prior to the Hearing Date you or your attorney must appear on the Hearing Date to petition the Special Master for a continuance. If any continuance is granted this will not stay discovery and all records previously requested must be supplied to the City or formally objected to.

Be advised that, if you decide to appeal any decision of the Special Magistrate in this code enforcement hearing, you shall be responsible to ensure that a verbatim record of the proceedings of this code enforcement hearing is made, such that any evidence and testimony upon which an appeal may be based can be submitted to the appellate court.

Deborah Meek-Jowley
Code Compliance Officer
City of Key West

**CODE ENFORCEMENT SPECIAL
MAGISTRATE IN AND FOR
THE CITY OF KEY WEST,
MONROE COUNTY, FLORIDA**

CASE NO.: 13-758

**CITY OF KEY WEST, a
Florida municipal corporation
Key West, Florida 33040
Petitioner**

Doc# 2030786
Bk# 2742 Pg# 1886

vs.

**Andrea Shaye Morgan
PO Box 503
Winter Park, FL 32790**

Respondent(s)
_____ /

ORDER IMPOSING PENALTY/LIEN

Subject Property Legal Description: 621 Eaton Street, A parcel of land on the Island of Key West, and is known as a part of Lot 1, in Square 23 as per Whitehead's Map of the said Island of Key West, delineated in February , A.D. 1829, said parcel being more particularly described as follows:

Commence at the intersection of the Northwesterly right of way line of Eaton Street with the Southwesterly right of way line of Elizabeth Street and run thence Southwesterly along the Northwesterly right of way line of the said Eaton Street for a distance of 100.5 feet to the Point of Beginning; thence continue Southwesterly along the Northwesterly right of way of the said Eaton Street for a distance of 50.0 feet; thence Northwesterly and at right angles for a distance of 73.6 feet; thence Northeasterly and at right angles for a distance of 38.75 feet; thence Northwesterly and at right angles for a distance of 2.5 feet ; thence Northeasterly and at right angles for a distance of 11.25 feet; thence Southeasterly and at right angles for a distance of 76.1 feet back to the Point of Beginning.

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate (herein referred to as "Special Magistrate") on October 13, 2013 for case #13-758 after due notice to Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued its Findings of Fact and Conclusions of Law and thereupon issued its oral Order which was reduced to writing and furnished to Respondent(s). This Finding and Order was mailed on November 7, 2013.

Said Order required Respondent(s) to pay an Administrative Cost of \$250.00. Also imposed was a fine of \$250.00 per day if compliance is not met by November 19, 2013. Compliance was achieved on January 27, 2015.

ORDERED that Respondent(s) pay to the City of Key West an amount of \$108,500.00.

CASE NO.: 14-604

This Order can be recorded and shall then constitute a lien for all the accrued fines against the above described property, and any other real or personal property that the violator owns in Key West, Monroe County where recorded pursuant to Section 162.09 of the Florida Statutes.

DONE AND ORDERED this 27th day of May, 2015.

CODE ENFORCEMENT
SPECIAL MAGISTRATE

By: [Signature]
Donald E Yates
Special Magistrate

ATTEST:

DATED: 27th May 2015

[Signature]
Deborah Millett-Fowley
Recording Secretary

PERSONALLY appeared before me, the undersigned authority, Deborah Millett-Fowley, well known to me and known by me to be the Clerk and Recording Secretary, respectively of the CODE ENFORCEMENT SPECIAL MAGISTRATE, and acknowledged before me that they executed the foregoing instrument on behalf of the CODE ENFORCEMENT SPECIAL MAGISTRATE, as its true act and deed, and that they were duly authorized to do so. They are personally known to me and have each produced a Florida Drivers License as identification.

WITNESS my hand and official seal this 28th day of May, 2015.



[Signature]
NOTARY PUBLIC
My Commission Expires:

I HEREBY CERTIFY that a true and correct copy of the above and foregoing ORDER IMPOSING PENALTY/LIEN has been furnished by certified mail (7013 2630 0000 9565 7501) and regular mail to Andrea Shaye Morgan, 621 Eaton Street, Key West, FL 33040 is 28th day of May, 2015.

I hereby certify that as Clerk and Recording Secretary of the Code Enforcement Special Magistrate of the City of Key West, the Office to whose custody the original is entrusted, this is a true and correct copy of the document maintained on file in the Office of the Code Enforcement Special Magistrate of the City of Key West.

[Signature]
Deborah Millett-Fowley
Recording Secretary

MITIGATION OF LIEN REQUEST

To: Key West Code Compliance Division
1300 White Street
Key West, FL 33040
Phone: 305-809-3740

Case #: 13-0758

As the property owner, I, Andrea Shaye Morgan
am requesting that the Key West City Commission consider the mitigation
of the accrued lien at 621 Eaton Street, Key West, FL. The total amount of
the lien is \$108,500.00.

I am offering \$ 20,000.⁰⁰ to settle the above lien.

- I will represent myself at the City Commission Meeting
- My Attorney Robert Cintron, will represent me at the
City Commission Meeting and is empowered to negotiate the above
lien.
- My representative _____, with attached Power
of Attorney, is empowered to negotiate the amount of the liens.

Andrea Shaye Morgan
Signature of Property Owner

3/19/19
Date

I purchased 621 Eaton Street in 2001. At the time of purchase, the property had just been subdivided from a three-unit property to a two-unit property, separating out as a separate parcel a cottage at the rear facing Donkey Milk Lane. My home is a two-unit property, with one downstairs unit and one upstairs unit.

In 2008, I learned that for the last eight years, I had been charged by the City for three units instead of two units for sewage and solid waste.

When I learned this, I spoke with then-department head of Public Works, Valerie Barrera. Valerie told me many times that she did not know how to rectify the problem, that a credit was due to me, and that she would make inquiries and get back with me. I had approximately six separate, face-to-face conversations with Valerie to try to remedy the situation over a period of about two years. I stopped paying my bill due to what I believed was a large credit due to me at that point.

In 2015, I received a letter from City Code Enforcement at my home in Winter Park, Florida that I had a code enforcement violation. This was my first notice that I had a code violation at my home in Key West.

What I learned thereafter through the City's records was that sometime in 2013, a notice of code violation imposing a \$250 per day fine for an unpaid sewage and solid waste bill had been entered by former Magistrate Jeff Overby, which had been accruing for approximately two years.

I also learned from the City's records that the notice of code violation had been sent to my address in Key West via certified mail. I had tenants living in the downstairs unit, and the postal delivery person noted on the certified mail "Refused by Tenant." That is why I never knew about the imposition of the \$250 per day fine for my unpaid sewage and solid waste bill.

The sewage and solid waste bill amounted to approximately \$2,500. I immediately paid it. Erroneously, I thought that cleared me of any violation status. Thereafter, when I learned I owed the City more than \$108,000 for the \$250 per day fine, I applied for a hearing before Magistrate Overby so I could present my case to clear the violation and fines.

At the hearing before Magistrate Overby I presented proof that I had never received notice of the violation because my tenant refused the code violation notice mailed to the Eaton Street address and I presented proof that I had paid in full the delinquent sewage and solid waste account and was no longer in violation. Magistrate Overby declined to reduce the lien.

I am left with a \$108,000 lien by the City on my property. I am attempting to refinance the property with a new lender, and this has caused a problem with the refinance.

I am in hopes that the lien can be reduced, mitigated or considered satisfied due to me bringing my sewage and solid waste bill current, and due to me not realizing that a code violation of \$250 per day had been entered two years prior.
