



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager
Cc: Greg Veliz, Assistant City Manager
From: Jim Young Director of Code Compliance *JY*
Date: July 3, 2018
Subject: 3727 Flagler Avenue Mitigation of Lien

Action statement:

Federal National Mortgage Association, FNMA C/O Richard Guice of Real Estate Asset Management has sent a request to mitigate a lien placed on the property located at 3727 Flagler Avenue, Key West, FL. The total amount of the lien is Fifty-Two Thousand and One Hundred Dollars, (\$52,100.00). FNMA is offering Ten Thousand Two Hundred, (\$10,200.00) 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).

Background:

On February 12, 2010 the City of Key West Code Compliance Department received a complaint the sewer and solid waste accounts had not been paid and were past due.

On February 13, 2010 a Notice of Code Violation, NOCV, was issued via certified mail to the subject property owner's, Ronald & Henrietta Deel.

On February 19, 2010 the NOCV was received by Ronald Deel.

On March 18, 2010 a Notice of Hearing, NOH, for the Code Compliance Hearing date of April 28, 2010.

On March 29, 2010 the NOH was received by Henrietta Deel.

On April 28, 2010 the hearing was held and the Special Magistrate issued a Findings of Fact, Conclusions of Law and Order assessing Administrative Costs in the amount of Two Hundred and Fifty Dollars, (\$250.00) and a daily fine in the amount of Twenty-Five Dollars, (\$25.00) per day, if compliance was not obtained by May 25, 2010.

On May 26, 2014 ordered the daily fines to begin.

On November 7, 2013 a Notice of Lien Hearing was issued to and received by property owner Ronald Deel.

On November 20, 2013 a hearing was conducted, whereupon the Special Magistrate ordered a lien be filed on the subject property.

On January 24, 2014 a lien in the amount of Sixteen Thousand, Seven Hundred and Fifty Dollars, (\$16,750.00) was filed with the Monroe County Clerk of Courts Office.

On August 25, 2017 compliance was achieved when the outstanding accounts were paid. The total amount paid was One Thousand Four Hundred and Eighty-One Dollars and Thirty-Eight Cents, (\$1,481.38). The total amount of the lien that had accrued, including Administrative Cost is Fifty- One Thousand, Five Hundred Dollars, (\$51,500.00).

RECOMMENDATION:

The City Manager recommends the City Commission accept the proposed mitigated amount of Ten Thousand Two Hundred Dollars, (\$10,200.00).

REQUEST FOR MITIGATION

To: Key West Code Compliance Division
1300 White Street
P.O. Box 1409
Key West, FL 33040
Phone: 305-809-3740

Case #: CES 10-0304

As owner/seller, I, Richard Guice, of Fannie Mae am requesting that the Key West City Commission consider mitigating the accrued liens at

3727 Flagler Avenue, Key West, FL. The total amount of the lien is \$52,100.00.

I am offering ~~\$52,100.00~~ to settle the above liens.
\$10,200



I will represent myself at the City Commission Meeting

My Attorney _____ will represent me at the City Commission Meeting and is empowered to negotiate the above liens.

My representative, Dasha Ray is empowered to negotiate the amount of the lien.

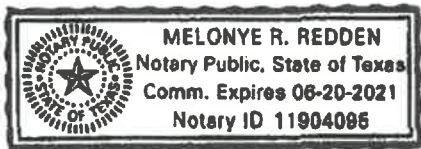
Richard Guice

6/27/18
Date

Richard Guice
Real Estate Asset Mgt II-Credit,
Real Estate Asset Mgmt (REAM)
Fannie Mae | Alternative Dispositions
972-861-6444 (direct)

State of Texas
County of Collin

The foregoing instrument was acknowledged before me this 27th day of June, 2018 by Richard Guice of Fannie Mae, on behalf of the company. He/she is personally known to me or has produced _____ as identification.



Melonye R. Redden

Notary Public

Printed Name: _____

My Commission Expires: _____

**FANNIE MAE
CERTIFICATE OF ASSISTANT CORPORATE SECRETARY**

I, Danielle M. McCoy, Managing Director, Deputy General Counsel and Assistant Corporate Secretary, on behalf of and under delegated authority from Christine E. Reddy, Vice President, Deputy General Counsel and Assistant Corporate Secretary, pursuant to the delegation of authority from the Corporate Secretary to the Assistant Corporate Secretary pursuant to Section 5.13 of the Bylaws of Fannie Mae, do hereby certify as follows:

Richard Guice has the duly delegated authority to execute documents related to sales of Real Estate Owned Property, including Sales Agreement Contracts and Addendums to Sales Agreement Contracts, in the name and on behalf of Fannie Mae.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Fannie Mae on this 23rd, day of February, 2015.


Danielle M. McCoy
Assistant Corporate Secretary



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

CASE NO.: 10-304

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

vs.

**Doc# 1966271
Bk# 2688 Pg# 995**

**Ronald & Henrietta Deel
502 N Academy Street
Greensboro, MD 21639**

Respondent(s)
_____ /

ORDER IMPOSING PENALTY/LIEN

Subject Property Legal Description: 3727 Flagler Avenue, On the Island of Key West, and known as lots ten (10), eleven (11) and twelve (12), block two (2), Key West Foundation Company's Plat No. 1, according the plat thereof recorded in plat book 1, page 155, of the public records of Monroe County, Florida

Parcel Identification Number: 000521000-000000

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate (herein referred to as "Special Magistrate") on April 28, 2010 for case #10-304 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 May 5, 2010.

Said Order required Respondent(s) to pay an Administrative Cost of \$250.00. Also imposed was a fine of \$25.00 per day if compliance was not met by May 25 2010.

Accordingly, it having been brought to the Special Magistrate's attention that Respondent(s) have not come into compliance for the violation listed in the Findings and Orders issued in these matters:

ORDERED that Respondent(s) pay to the City of Key West an amount of \$16,750.00 which continues to accrue on a daily basis and this amount shall be subject to the maximum statutory interest charges provided by law.

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 20th day of Nov, 2013.

Doc# 1985271
Bk# 2658 P# 996

CODE ENFORCEMENT
SPECIAL MAGISTRATE

By:

J. Jefferson Overby
Special Magistrate

ATTEST:

DATED: 11-20-2013

Deborah Millett-Fowley
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 20th day of November, 2013.



[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 (7007 3020 0000 5347 5654) and regular mail to Ronald & Henrietta Deel, 502 N Academy Street, Greensboro, MD 21639 this 20th day of Nov, 2013.

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.

STATE OF FLORIDA
COUNTY OF MONROE

This Copy is a True Copy of the Original on File in this Office. Witness my hand and Official Seal.

This 14th day of February
A.D., 20 14

AMY HEAVILIN
Clerk, Circuit Court

[Signature]
By _____ D.C.



Deborah Millett-Fowley
Deborah Millett-Fowley
Recording Secretary

MONROE COUNTY
OFFICIAL RECORDS



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. 10-304

CERTIFIED MAIL # 7007 3020 0000 5344 5534

VS.

Ronald & Henrietta Deel
502 N Academy Street
Greensboro, MD 21639

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

This cause having come before the Special Magistrate on April 28, 2010, 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 premise; The Special Magistrate finds that Ronald & Henrietta Deel are in violation of Key West Code of Ordinances, sections 58-63 and 74-206. In that the following condition exists at 3727 Flagler Avenue, Key West, FL: For failure to maintain the sewer/solid waste account in good standing.

Accordingly it is hereby
ORDERED:

1. That you pay a \$250.00 Administrative Fee. A fine of \$25.00 per day will be imposed if not in compliance by May 25, 2010. A compliance hearing will be held on May 26, 2010 at 1:30, Old City Hall, 510 Greene Street, Key West, FL. 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 4th day of May 2010.

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 5th day of May, 2010.

Deborah Millett-Fowley, Recording Secretary