

## MITIGATION OF LIEN REQUEST

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

Case #: 17-1293

As the property owner of the Poinciana Mobile Home Park 1300 15 Court  
Key West , Florida\_33040\_\_\_\_\_ we are  
requesting that the Key West City Commission consider the mitigation of  
the accrued lien at Key West, FL. The total amount of the lien is \$ 82250.-

Poinciana Park Partners LLP offering \$\_\_0.00 \_\_\_\_\_ to remove the  
above lien. **Please see the attached letter dated Feb. 5, 2019**

- We will represent our self at the City Commission Meeting
- My Attorney \_\_\_\_\_, 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.

Poinciana Park Partners LLP  
Signature of Property Owner

4/23/19  
Date

*Erwin S. Mayo - Managing Partner*

POINCIANA PARK PARTNERS LLP  
1300 15th Ct, Key West, Fl. 33040  
Mailing Address: P.O. Box 7930 Fort Lauderdale, FL 33338  
Email [esm555@att.net](mailto:esm555@att.net)

February 5, 2019

City of Key West  
Code Enforcement Compliance Division  
P. O. Box 1409  
Key West, Florida 33040

Dear Sir/ Madam

**LOT 11 - CODE VIOLATION CASE 17-1293 (IN COMPLIANCE)**

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We refer to the above mentioned violation which is in compliance.

Poinciana Park Partners LLP respectfully request to remove the lien placed on our property and subsequently to waive the daily fine for the above code violation.

**Our rationales and sequence of events are as follows:**

1. On July 15, 2017 our park manager observed that the owner of the mobile home on Lot 11 in the Poinciana mobile home park enclosed an existing open porch attached to the mobile home .
2. Upon validation with the Building Department of Key West, the park manager was informed that there was no building permit issued to enclose the porch
3. Our park manager called for attention to code enforcement to investigate the unpermitted construction activity. Subsequently, the City Code Enforcement Officer issued a Code Violation notice to the owner of the mobile home the following day.
4. On July 20, 2017 Poinciana Park Partners LLP sent a first violation notice letter to the mobile home owner by demanding strict compliance to the city code, citing the Rules and Regulations of the park and Florida Statute 723.023.
5. An Administrative Hearing Notice was issued to owner of the mobile home for November 15, 2017 due to noncompliance of the code violation. The mobile home owner requested to defer the Administrative Hearing until Feb 28, 2018 which was granted .
6. The mobile home Owner paid the Administrative Fee of \$250-00 on December 12, 2017.
7. At the Administrative Code Enforcement Hearing on February 28, 2018, the mobile home owner requested more time to be to come in compliance. The request was denied. The Special Magistrate subsequently imposed a fine of \$250-00 per day and a lien against the Poinciana mobile home park property owner instead of the owner of the mobile home.

8. On March 2, 2018 Poinciana Park Partners issued a second notice violation to the mobile home owner by demanding to vacate the leased mobile home Lot for failure to come in compliance with the City Code

9. The mobile home owner informed the park owner that they obtained a demolition permit on April 5, 2018 and they would start to demolish the porch enclosure. Between June and December 2018, despite numerous email correspondence between the code violation officers and the owner of the mobile home , only a partial code compliance was achieved.

10. On December 19, 2018, the law firm Albert L. Kelley, notified the mobile home owner that the eviction process will be proceed in the Monroe County Court for violating the rules and regulation of the park and at the same time, violating the building code for the City of Key West.

11. On January 24, 2019, Poinciana Park Partners was informed by the city of code enforcement officer that the mobile home on Lot 11 was finally in full compliance.

We hope the above sequence of events will justify our request to remove the lien as well as the daily fine levied against Poinciana Park Partners LLP.

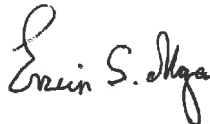
We are also enclosing a copy of Florida Statutes 723.024 and 723.023 by supporting the fact that a **mobile home park owner** shall not be liable for any penalty, fine or lien incurred by a **mobile home owner** due to noncompliance of a code violation.

Your consideration to the above is very much appreciated.

Meanwhile, should you require further information or clarification, please do not hesitate to contact us at 954 305 1323.

Thank you.

Sincerely,



Erwin S. Mayer  
Managing Partner, Poinciana Park Partner & Management

c:c Key West City Attorney

Attachment:

- Florida Statutes 723. 024 & 723.023

## MITIGATION OF LIEN REQUEST

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

Case #:

As the property owner, I, Marie P Delus am  
requesting that the Key West City Commission consider the mitigation of  
the accrued lien at Key West, FL. The total amount of the lien is \$ 82250

I am offering \$ 0 to settle the above lien.

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  
lien.

My representative \_\_\_\_\_, with attached Power  
of Attorney, is empowered to negotiate the amount of the liens.

MP Delus  
Signature of Property Owner

4/23/19  
Date