

CITY OF KEY WEST, a
Florida municipal corporation

Key West, Florida 33040
Petitioner

Case # 07-2973

Vs.

Doc# 1788417 05/14/2010 8:38AM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Mildred Fine
10640 SW Davies Unit 19
Beaverton, OR 97008

Doc# 1789417
Bk# 2465 Pg# 1608

Roberta S Fine R/S
1075 Duval Street, Suite C-14
Key West, FL 33040
Respondents

PARTIAL RELEASE OF ORDER IMPOSING PENALTY/LIEN

The undersigned CITY OF KEY WEST, a Florida municipal corporation, Petitioner in that certain Case No., 07-2973 CODE ENFORCEMENT SPECIAL MAGISTRATE IN AND FOR THE CITY OF KEY WEST, MONROE COUNTY, FLORIDA, styled CITY OF KEY WEST, Petitioner vs, MILDRED FINE and ROBERT S FINE, Respondents, holder of that certain Order imposing penalty/lien recorded in Official Records Book 2451 at Page 2238 of the Public Records of Monroe County, Florida for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does release from the above described Order imposing penalty/lien the following-described real estate (the "Real Property"), situate, lying and being in Monroe County, Florida:

A part of Lot 1, Square 2, Tract 12, Tropical Building & Investment Co. subdivision as recorded in Plat Book 1, Page 37 of the Public Records of Monroe County, Florida, also known as 804 Truman Avenue, Key West, Florida; and more particularly described as follows:

Commencing at the Southeast corner of Truman Avenue and Windsor Lane run in a Northeasterly direction along the Southeasterly right of way of Truman Avenue for a distance of 30.5 feet to a point of beginning; thence from said point of beginning continue Northeasterly along the Southeasterly right of way of Truman Avenue for a distance of 26.5 feet; thence at right angles in a Southeasterly direction for a distance of 100.5 feet; thence at right angles in a Southwesterly direction for a distance of 26.5 feet; thence at right angles in a Northwesterly direction for a distance of 100.5 feet back to the point of beginning on the Southeasterly right of way of Truman Avenue.

Parcel Identification Number: 00030080-000100

However, it is expressly understood and agreed that this partial release only releases the above described Real Property from the Order imposing penalty/lien and the above referenced court case but does not in any way affect the lien of the Order imposing penalty/lien as to any other real property which is now or which may be subject to the said Order imposing penalty/lien.

Doc# 1789417
Bkn 2485 Pgn 1609

Executed on 5-13-2010

Witness:

CITY OF KEY WEST

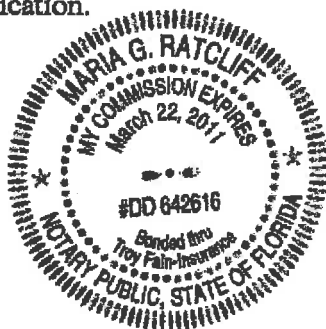
Witness:

By: E. David Fernandez
E. DAVID FERNANDEZ, Asst City
Manager, as Acting City Manager

STATE OF FLORIDA

COUNTY OF MONROE

THE FOREGOING INSTRUMENT was acknowledged before me this 13 day of May, 2010, by E. David Fernandez, Asst City Manager, as Acting City Manager, who is personally known to me or who produced _____ as identification.



Maria G. Ratcliff
NOTARY PUBLIC

Prepared by:
Deborah Millett-Fowley
Recording Secretary
City of Key West
604 Simonton Street
Key West, FL 33040

MONROE COUNTY
OFFICIAL RECORDS

RESOLUTION NO. 10-155

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH RESPONDENTS IN CODE COMPLIANCE CASE NUMBER CES-07-2973 (804 TRUMAN AVENUE) PERMITTING A RELEASE OF LIEN UPON PAYMENT OF A MITIGATED FINE AMOUNT AND PROVISION OF A COMPLIANCE ESCROW; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission considered a request to release a lien imposed on the Respondents in CES 07-2973 for a mitigated fine amount of \$5,000.00 from the owner/seller, and provision of a compliance escrow in the amount of \$5,000.00 from the buyer, due to short sale of the premises.

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

Section 1: That the City Manager, with the advice and consent of the City Attorney, is authorized to enter into an agreement with Mildred Fine, the owner/seller of the property known as 804 Truman Avenue, and Jennifer Stephens, the buyer of 804 Truman Avenue, to allow the City's release of lien upon payment in full of a mitigated fine amount of \$5,000.00 and provision of a compliance escrow in the amount of \$5,000.00 by the buyer, in accordance with the attached Memorandum of February 18, 2010, by John P. Wilkes, Esq.

Section 2: That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Passed and adopted by the City Commission at a meeting held this 4th day of May, 2010.

Authenticated by the presiding officer and Clerk of the Commission on May 5, 2010.

Filed with the Clerk May 5, 2010.


CRAIG CATES, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
FROM: Mark Finigan, Assistant City Manager
DATE: April 19, 2010
SUBJECT: 804 Truman Avenue
Acceptance of Compliance Escrow
Acceptance of Mitigated Amount
Release of Lien



Action statement:

Request City of Key West City Commission accepts the proposed establishment of a \$5,000 compliance escrow at time of short sale closing, accepts the proposed mitigated amount of \$5,000.00 of accrued fines totaling \$379,150 for the property located at 804 Truman Avenue. Additionally, request City of Key West City Commission release the lien placed by the City of Key West 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). This would be a partial release only for the property located at 804 Truman. A lien would still be valid against any other properties that the Respondent owns.

Background:

On October 9, 2007 the City of Key West received a complaint that windows at 804 Truman Avenue were replaced with metal windows without HARC approval and a building permit. After an investigation, a Notice of Code Violation was sent October 31, 2007 to the address listed in the tax collector's office and to the address of the person with Right to Survivorship, Roberta Fine, for the following two (2) violations:

1. Failure to obtain a building permit to replace six windows.
2. Failure to obtain HARC approval for the six windows.

Corrective action on both counts was to be taken within ten days of the receipt of the notice. The notice was signed for on November 8, 2007. Corrective action was not taken within ten days after the receipt of the Notice of Code Violation and a Notice of Administrative Hearing was issued for December 19, 2007 on November 29, 2007.

On December 10, 2007 an application was received in HARC for the replacement of six windows. The application was denied on January 8, 2008 and a letter was sent to the property owner stating that contemporary double hung windows with thick muntins are not appropriate and replacement windows on contributing structures should be made to fit the original window opening without the use of blocking or infill.

The hearing was held on December 19, 2007 and a Findings of Fact, Conclusions of Law and Order were issued for the two (2) counts cited above. Administrative Costs of \$150.00 were imposed along with a fine of \$250.00 per day, per count for a total of two counts if not in compliance by January 29, 2008 with a compliance hearing scheduled for January 30, 2008. It was returned as unclaimed and then sent out via regular mail.

On January 29, 2008 the City received a Request to Toll Compliance Date by the Respondent which was denied at the compliance hearing on January 30, 2008.

Notice of Non-Compliance Payment Update was sent via certified mail on July 9, 2009 and was signed for on July 11, 2009 stating that if compliance was not achieved and payment is not received by August 7, 2009 that this matter would be referred to the Code Enforcement Special Magistrate for a public hearing that may result in a lien on the property.

On October 5, 2009 the City received a request for mitigation. The mitigation hearing was held on November 18, 2009 and was denied because the property was not in compliance, which is to say the new windows were not replaced with HARC approved windows. The City received another request for mitigation on November 24, 2009. The City Manager approved the concept of \$5,000 to be put into an escrow account for compliance with an additional \$5,000 mitigation payment for outstanding fines.

A lien was filed on February 5, 2010 for non-payment of the mitigated amount of \$5,000 or the placement of \$5,000 into an escrow account for compliance.

The property is currently under contract for \$222,000 (copy of HUD attached). GMAC, first mortgage holder, has accepted a short sale contract amount of \$194,967.31 for a principal balance due of over \$320,000. The original mortgage amount in 2006 was for \$360,000.00. The 2nd mortgage in 2006 was for \$90,000.00.

The current owner has submitted an application to replace the windows; however, the owner has no funds to act on the replacement. The City's Chief Building Official has reviewed the application and is of the opinion the \$5,000 will be sufficient for the new owners to achieve compliance. The new owners will deposit \$5,000 for compliance and such funds will be held by the closing agent.

Recommendation:

The City Manager recommends to the City Commission that it accepts the proposal contained herein. Although the City does have a lien in place, it post dates the Lis Pendens that was filed as a result of the looming foreclosure action. However, even if the City had timely filed its lien prior to the Lis Pendens, the City would still be in a far inferior position compared to the first and second mortgage holders when one compares the sale price and the outstanding mortgage balances to the appraisal. If this property were to foreclose, the City would not be in a legitimate position to appreciate a recovery of any of the fines either legally or practically speaking given the significant negative equity that is involved with this property. Staff has reviewed the Settlement Statement (HUD-1) regarding this short sale and the City's interests are adequately represented regarding the escrow and settlement monies.

From: [Jim J. Young](#)
To: [Madelyn L. Marrero](#)
Subject: FW: 804 Truman Ave
Date: Friday, January 24, 2020 2:12:44 PM
Attachments: [Resolution 10-155 Agreement with Code Respondents for 804 Truman Ave.pdf](#)
[SKMBT_42316040616350.pdf](#)

JY

From: Mark Finigan <mfinigan@cityofkeywest-fl.gov>
Sent: Friday, January 24, 2020 2:05 PM
To: Jim J. Young <jjyoung@cityofkeywest-fl.gov>
Subject: FW: 804 Truman Ave

From: Ronald Ramsingh <rramsingh@cityofkeywest-fl.gov>
Sent: Wednesday, April 06, 2016 4:42 PM
To: Law Office <lawoffice@robertafinelaw.com>
Cc: Mark Finigan <mfinigan@cityofkeywest-fl.gov>; Jim J. Young <jjyoung@cityofkeywest-fl.gov>
Subject: 804 Truman Ave

Roberta:

I followed up on our conversation from earlier today and last week regarding the code liens that are recorded against you. It appears to me that there was a code violation at 804 in 2007 regarding the installation of windows without building permits or HARC approval. A finding was entered by Overby on 12/27/07. The Notice of Code Violation and Order indicates that you had an ownership interest in 804 Truman. Then 5 months later on 5/15/08, you conveyed your interest in 804 Truman to your mother, Mildred. On 2/5/10, the Findings of Fact was recorded pursuant to F.S. 162.09(3), which operated as a lien against any and all personal and real property that you and your mother own, under the aforementioned statute.

Then you, and/or your mother wanted to sell 804 Truman and you came to the city to request a waiver of the lien that was imposed, since it was a cloud on title. Mark Finigan met with you and I am told that he informed you that the most that the city would be willing to do would be to accept 5,000 as a *partial* release as it applied to 804 Truman and would release the lien as it pertained to 804 Truman once the windows were brought into compliance. This was achieved by the buyer subject to the money being placed in escrow to achieve said compliance. At the May 4, 2010 City Commission meeting, the Commission considered the request and read Mark's executive summary that clearly indicates that the intent is to execute a partial release and expressly indicates that the lien would remain as to all other property that you and you mother own. The Commission passed the measure. As a result of Mark's recommendation and the vote, Larry prepared the partial release as it applies to 804 Truman and recorded same on 5/14/10.

That leads us up to current day. I think that if you had quit claimed *all* of your properties *prior* to the lien being recorded on 2/5/10, then we might be having a different discussion. However, when the lien was recorded, you owned Eagle and Duval Square, and you had an ownership interest in 804 Truman at the time of the code violation and the Findings and Order. Therefore, under F.S. 162.09(3), there is a lien against you concerning those properties. If you would like to come back to the City Commission to request a *complete* waiver, I believe that Mark and Jim Young have a process for you to request that and I would direct you to them to go through that procedure. But when one looks at the totality of the documents attached, and after conferring with Mark and Larry, I do not see that this measure was intended as being anything other than a partial release to accommodate a sale of 804 Truman.

I have attached the referenced documents for your review, a second email will follow with the minutes of the 5/4/10 Commission meeting.

Thank you,
Ron



Department of the Treasury
Internal Revenue Service

651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251

Date:

10/31/2019

Re: Your Inquiry dated

ROBERT E HIGHSMITH
HIGHSMITH & VAN LOON, P. A.
3158 NORTHSIDE DRIVE
KEY WEST, FL 33040

Taxpayer Identification number: (last 4 digits)

Tax period:
see attached

The enclosed documents have been sent to the personal rep and the probate court.

If you have any questions regarding the proof of claim, please contact Revenue Officer Ruben Mojica at Phone number 787-522-1823 or Attorney Marlene Frazier at phone number 202-305-9899.

\$ 267,700.40

Your telephone number:

(850)481-4029

Best time to call during normal working hours:

9:00 am to 3:30 pm

Your Signature

Title

Employee Number

ANGELA JONES

ADVISOR

1000746162

Form 5260 (Rev 7-2015)

Catalog Number 42403P

Department of the Treasury - Internal Revenue Service



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, DC 20224

SMALL BUSINESS / SELF-EMPLOYED DIVISION

Date: 11/01/2019

Area Number: 2396

ROBERTA S FINE
c/o HILLARI SASSE
2701 SW HAMILTON STREET
PORTLAND, OR 97239

Dear Ms. Hillari Sasse

As you know, you are the Independent Personal Representative for the estate named above. The estate is indebted to the United States for the tax liabilities listed below:

Form Number	Tax Period	Unpaid Amount from Prior Notices	Accumulated Penalty & Interest	AMOUNT YOU OWE
**** SEE ENCLOSED PROOF OF CLAIM ****				

Although we have sent notices to pay the Federal tax liabilities shown above, we have no record of receiving the amount due. Please send us a check or money order for the total amount due within 30 days from the date of this letter. Please make your remittance payable to the U.S. Treasury and write the decedent's name and Social Security Number on it. Enclose a copy of this letter with your payment in the envelope provided to assure prompt and accurate credit. Keep the other copy for your records.

Because, as Independent Personal Representative, you may be held personally liable for the non-payment of the taxes owed by the estate, we want to advise you of 31 USC Paragraph 3713 in verbatim:

Paragraph 3713 Priority of Government Claims

(a)(1) A claim of the United States Government shall be paid first when –

- (A) A person indebted to the Government is insolvent and –
 - (i) The debtor without enough property to pay all debts makes a voluntary assignment of property;
 - (ii) Property of the debtor, if absent, is attached; or
 - (iii) An act of bankruptcy is committed; or
- (B) The estate of a deceased debtor, in the custody of the executor or administrator, is not enough to pay all debts of the debtor.

(2) This subsection does not apply to a case under Title 11.

- (b) A representative of a person or an estate (except a trustee acting under Title 11) paying any part of a debt of the person or estate before paying a claim of the Government is liable to the extent of the payment for unpaid claims of the Government.

If you do not comply with this notice, we may take enforcement action against the assets of the estate without any further notice to you. We may file a notice of federal tax lien. We may serve a notice of levy on bank accounts, receivables, commissions, or other kinds of assets of the decedent and sell it to satisfy the above tax liability.

If you have any questions or need more information, please contact me at the address or the telephone number listed below:

Internal Revenue Service
651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251

Phone#: (850)481-4029
Fax#: (888)636-6136

Sincerely,

ANGELA JONES
ADVISOR
Employee ID#: 1000746162

cc: Attorney
Probate Court

Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service



Form 4490

(Rev. 2-2005)

Docket Number

19-CP-000108-K

Kind of Proceeding

Probate

Taxpayer's Identification Number:

Social Security Number

Employer Identification Number:

59-2517188

In the Probate Court

for the COUNTY OF MONROE, STATE OF FLORIDA

In the Matter of:

ROBERTA S FINE, AND, ROBERTA S FINE P.A.
3402 EAGLE AVE
KEY WEST, FL 33040

The undersigned officer of the Internal Revenue Service, a duly authorized agent of the United States in this behalf, being duly sworn, deposes and says that:

1. ROBERTA S FINE, AND, ROBERTA S FINE is justly and truly indebted to the United States in the amount of \$98,432.17 with interest and penalty as shown below.

2. This debt is for taxes due under the Internal Revenue laws of the United States as follows:

Kind of Tax and Period	Unpaid Assessed Balance (dollars)	Accrued Interest (dollars)	Accrued Late Payment Penalty (dollars)	Total	Date Tax Lien Arose
941 03/31/2013	\$4,823.62	\$935.78	\$99.47	\$5,858.87	11/24/2014
941 06/30/2013	\$4,845.28	\$940.00	\$144.92	\$5,930.20	11/24/2014
941 09/30/2013	\$8,014.15	\$1,554.78	\$316.41	\$9,885.34	11/24/2014
941 12/31/2013	\$7,890.99	\$1,530.88	\$389.43	\$9,811.30	11/24/2014
1120 12/31/2013	\$247.93	\$48.11	\$0.00	\$296.04	10/27/2014
941 03/31/2014	\$7,742.95	\$1,502.15	\$460.85	\$9,705.95	11/24/2014
941 06/30/2014	\$8,455.85	\$1,489.93	\$1,091.49	\$9,037.27	12/01/2014
941 09/30/2014	\$3,904.35	\$901.20	\$806.03	\$5,611.58	12/01/2014
941 06/30/2015	\$2,690.84	\$510.99	\$372.43	\$3,574.26	12/14/2015
941 09/30/2015	\$7,345.43	\$778.92	\$172.62	\$8,296.97	09/12/2016
1120 12/31/2015	\$1,560.00	\$205.60	\$0.00	\$1,765.60	05/08/2017
941 08/30/2016	\$7,603.79	\$1,036.59	\$1,119.14	\$9,759.52	01/16/2017
941 08/30/2016	\$7,603.79	\$1,036.59	\$1,119.14	\$9,759.52	01/16/2017
941 09/30/2016	\$7,300.38	\$1,018.53	\$1,317.15	\$9,636.06	01/16/2017
941 06/30/2017	\$1,539.20	\$134.63	\$0.00	\$1,673.83	04/30/2018

3. No part of this debt has been paid, and it is now due and payable to the United States Treasury at the Office of the Internal Revenue Service;

4. Except for the statutory tax liens that arose on the above dates, the United States does not hold, to the deponent's knowledge or belief, any security for this debt;

5. No note or other negotiable instrument has been received for this debt or any part of it, nor has any judgment been rendered with respect to this debt; and

6. This debt has priority and must be paid in full in advance of distribution to creditors to the extent provided by law:

See 31 U.S.C. Section 3713(a). Any executor, administrator, or other person who fails to pay the claims of the United States in accordance with its priority may become personally liable for this debt under 31 U.S.C. Section 3713(b).

(Notarize or witness if court requires)

Subscribed and Sworn to Before Me On

OCTOBER 28, 2019

Month

Day

Year

Signature

ANGELA JONES

Title

ADVISOR

ID Number

1000746162

Telephone Number

(850)481-4029

Address:

651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, DC 20224

SMALL BUSINESS / SELF-EMPLOYED DIVISION

Date: 11/01/2019

Area Number: 2396

ROBERTA S FINE
c/o HILLARI SASSE
2701 SW HAMILTON STREET
PORTLAND, OR 97239

Dear Ms. Hillari Sasse

As you know, you are the Independent Personal Representative for the estate named above. The estate is indebted to the United States for the tax liabilities listed below:

Form Number	Tax Period	Unpaid Amount from Prior Notices	Accumulated Penalty & Interest	AMOUNT YOU OWE
**** SEE ENCLOSED PROOF OF CLAIM ****				

Although we have sent notices to pay the Federal tax liabilities shown above, we have no record of receiving the amount due. Please send us a check or money order for the total amount due within 30 days from the date of this letter. Please make your remittance payable to the U.S. Treasury and write the decedent's name and Social Security Number on it. Enclose a copy of this letter with your payment in the envelope provided to assure prompt and accurate credit. Keep the other copy for your records.

Because, as Independent Personal Representative, you may be held personally liable for the non-payment of the taxes owed by the estate, we want to advise you of 31 USC Paragraph 3713 in verbatim:

Paragraph 3713 Priority of Government Claim:

(a)(1) A claim of the United States Government shall be paid first when -

- (A) A person indebted to the Government is insolvent and-
 - (i) The debtor without enough property to pay all debts makes a voluntary assignment of property;
 - (ii) Property of the debtor, if absent, is attached; or
 - (iii) An act of bankruptcy is committed; or
- (B) The estate of a deceased debtor, in the custody of the executor or administrator, is not enough to pay all debts of the debtor.



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
Washington, DC 20224

SMALL BUSINESS/SELF-EMPLOYED DIVISION

Date: 11/01/2019

Area Number: 2396

ROBERTA S FINE
c/o HILLARI SASSE
2701 SW HAMILTON STREET
PORTLAND, OR 97239

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Form Number	Tax Period	Unpaid Amount from Prior Notices	Accumulated Penalty & Interest	AMOUNT YOU OWE
**** SEE ENCLOSED PROOF OF CLAIM ****				

Although we have sent notices to pay the Federal tax liabilities shown above, we have no record of receiving the amount due. Please send us a check or money order for the total amount due within 30 days from the date of this letter. Please make your remittance payable to the U.S. Treasury and write the decedent's name and Social Security Number on it. Enclose a copy of this letter with your payment in the envelope provided to assure prompt and accurate credit. Keep the other copy for your records.

Because, as Independent Personal Representative, you may be held personally liable for the non-payment of the taxes owed by the estate, we want to advise you of 31 USC Paragraph 3713 in verbatim:

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 - (iii) An act of bankruptcy is committed; or
- (B) The estate of a deceased debtor, in the custody of the executor or administrator, is not enough to pay all debts of the debtor.

(2) This subsection does not apply to a case under Title 11.

- (b) A representative of a person or an estate (except a trustee acting under Title 11) paying any part of a debt of the person or estate before paying a claim of the Government is liable to the extent of the payment for unpaid claims of the Government

If you do not comply with this notice, we may take enforcement action against the assets of the estate without any further notice to you. We may file a notice of federal tax lien. We may serve a notice of levy on bank accounts, receivables, commissions, or other kinds of assets of the decedent and sell it to satisfy the above tax liability.

If you have any questions or need more information, please contact me at the address or the telephone number listed below:

Internal Revenue Service
651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251

Phone#: (850)481-4029
Fax#: (888)636-6136

Udell, Angela Jones
ANGELA JONES
ADVISOR
Employee ID#: 1000746162

cc: Attorney
Probate Court

Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service

In the Probate Court

of the State of Florida, County of Monroe

In the Matter of:

ROBERTA S FINE, AND, ROBERTA S FINE PA
3402 EAGLE AVE
KEY WEST, FL 33040

Form 4490
Rev. 2-2005

Docket Number

19-CP-000 108-K

Kind of Proceeding

Probate

Taxpayer's Identification Number:
Social Security Number

Employer's Identification Number:
59-2517188

The undersigned officer of the Internal Revenue Service, a duly authorized agent of the United States in this behalf, being duly sworn, deposes and says that:

1. ROBERTA S FINE is justly and truly indebted to the United States in the amount of \$169,266.23 with interest and penalty as shown below.

2. This debt is for taxes due under the internal Revenue laws of the United States as follows:

Kind of Tax and Period	Unpaid Assessed Balance (dollars)	Accrued Interest (dollars)	Accrued Late Payment Penalty (dollars)	Total	Date Tax Lien Arose
941 12/31/2005	\$17,633.38	\$3,413.82	\$0.00	\$21,047.20	11/19/2007
940 12/31/2005	\$561.11	\$108.89	\$0.00	\$ 670.00	11/26/2007
941 03/31/2006	\$22,801.36	\$4,620.30	\$0.00	\$27,421.66	11/19/2007
941 06/30/2006	\$31,376.31	\$7,964.64	\$0.00	\$39,340.95	11/19/2007
941 09/30/2006	\$20,785.05	\$5,276.09	\$0.00	\$26,061.14	11/19/2007
941 12/31/2006	\$10,048.13	\$2,550.64	\$0.00	\$12,598.77	12/24/2007
940 12/31/2006	\$571.31	\$110.83	\$0.00	\$ 682.14	01/12/2008
941 03/31/2007	\$15,261.31	\$3,873.97	\$0.00	\$19,135.28	03/24/2008
1120 12/31/2008	\$1,235.82	\$239.74	\$0.00	\$1,475.56	05/10/2012
1120 12/31/2009	\$1,181.09	\$229.14	\$0.00	\$1,410.23	07/30/2012
1120 12/31/2010	\$4,310.48	\$836.25	\$0.00	\$5,146.73	08/06/2012
1120 12/31/2011	\$2,451.63	\$475.62	\$0.00	\$2,927.25	05/19/2014
941 09/30/2012	\$1,547.29	\$301.61	\$0.00	\$1,848.90	11/24/2014
941 12/31/2012	\$5,234.46	\$1,250.69	\$90.02	\$6,575.17	11/24/2014
1120 12/31/2012	\$2,451.63	\$475.62	\$0.00	\$2,927.25	05/19/2014

3. No part of this debt has been paid, and it is now due and payable to the United States Treasury at the Office of the Internal Revenue Service;

4. Except for the statutory tax liens that arose on the above dates, the United States does not hold, to the deponent's knowledge or belief, any security for this debt;

5. No note or other negotiable instrument has been received for this debt or any part of it, nor has any judgment been rendered with respect to this debt; and

6. This debt has priority and must be paid in full in advance of distribution to creditors to the extent provided by law; See 31 U.S.C. Section 3713(a). Any executor, administrator, or other person who fails to pay the claims of the United States in accordance with its priority may become personally liable for this debt under 31 U.S.C. Section 3713(b).

(Notarize or witness if court requires)

Subscribed and Sworn to Before Me On

OCTOBER 28, 2019

Month Day Year

Signature

ANGELA J. WILES

ID Number

Telephone Number

ADVISOR

1000746162

(850)481-4029

Address:

651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida



UNITED STATES OF AMERICA

Plaintiff(s)

v.

ROBERTA S. FINE, P.A., and
ROBERTA S. FINE

Defendant(s)

Civil Action No. 18-cv-10015-JLK

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Roberta S. Fine, P.A.
1075 Duval Street, Suite C-14
Key West, Florida 33040

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicholas S. Bahnaen
Trial Attorney, Tax Division
U.S. Department of Justice
555 4th St. NW, Suite 6216
Washington, D.C. 20001
(via private delivery service)

or P.O. Box 14198
Washington, D.C. 20044
(via U.S. Mail)

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 2/16/2018



Steven M. Larimore
Clerk of Court

SUMMONS

s/ Patrick Edwards
Deputy Clerk
U.S. District Courts

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

☐ I personally served the summons on the individual at *(place)* _____
on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____,
a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
on *(date)* _____; or

☐ I returned the summons unexecuted because _____, or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service

In the Probate Court

for the State of Florida, County of Monroe

In the Matter of:

ROBERTA S FINE, AND, ROBERTA S FINE PA
3402 EAGLE AVE
KEY WEST, FL 33040

Form 4490
Rev. 2-2005

Docket Number

19-CP -000 108-K

Kind of Proceeding

Probate

Taxpayer's Identification Number:

Social Security Number

Employer's Identification Number:
59-2517188

The undersigned officer of the Internal Revenue Service, a duly authorized agent of the United States in this behalf, being duly sworn, deposes and says that:

1. ROBERTA S FINE is justly and truly indebted to the United States in the amount of \$169,268.23 with interest and penalty as shown below.

2. This debt is for taxes due under the Internal Revenue laws of the United States as follows:

Kind of Tax and Period	Unpaid Assessed Balance (dollars)	Accrued Interest (dollars)	Accrued Late Payment Penalty (dollars)	Total	Date Tax Lien Arose
94 1 12/31/2005	\$17,633.38	\$3,413.82	\$0.00	\$21,047.20	11/19/2007
940 12/31/2005	\$581.11	\$108.89	\$0.00	\$ 670.00	11/26/2007
94 1 03/31/2006	\$22,801.36	\$4,620.30	\$0.00	\$27,421.66	11/19/2007
94 1 06/30/2006	\$31,376.31	\$7,964.64	\$0.00	\$39,340.95	11/19/2007
94 1 09/30/2006	\$20,785.05	\$5,276.09	\$0.00	\$26,061.14	11/19/2007
94 1 12/31/2006	\$10,048.13	\$2,550.64	\$0.00	\$12,598.77	12/24/2007
940 12/31/2006	\$571.31	\$110.83	\$0.00	\$ 682.14	01/12/2008
94 1 03/31/2007	\$15,261.31	\$3,873.97	\$0.00	\$19,135.28	03/24/2008
11 20 12/31/2008	\$1,235.82	\$238.74	\$0.00	\$1,475.56	05/07/2012
1120 12/31/2009	\$1,181.09	\$229.14	\$0.00	\$1,410.23	07/30/2012
1120 12/31/2010	\$4,310.48	\$836.25	\$0.00	\$5,146.73	08/06/2012
1120 12/31/2011	\$2,451.63	\$475.62	\$0.00	\$2,927.25	05/19/2014
94 1 09/30/2012	\$1,547.29	\$301.61	\$0.00	\$1,848.90	11/24/2014
94 1 12/31/2012	\$5,234.46	\$1,250.69	\$90.02	\$6,575.17	11/24/2014
1120 12/31/2012	\$2,451.63	\$475.62	\$0.00	\$2,927.25	05/19/2014

3. No part of this debt has been paid, and it is now due and payable to the United States Treasury at the Office of the Internal Revenue Service;

4. Except for the statutory tax liens that arose on the above dates, the United States does not hold, to the deponent's knowledge or belief, any security for this debt;

5. No note or other negotiable instrument has been received for this debt or any part of it, nor has any judgment been rendered with respect to this debt; and

6. This debt has priority and must be paid in full in advance of distribution to creditors to the extent provided by law; See 31 U.S.C. Section 3713(a). Any executor, administrator, or other person who fails to pay the claims of the United States in accordance with its priority may become personally liable for this debt under 31 U.S.C. Section 3713(b).

(Notarize or witness if court requires)

Subscribed and Sworn to Before Me On

Signature

ANGELA JONES

ID Number

Telephone Number

ADVISOR

1000746162

(850)481-4029

Address:
651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251

OCTOBER 28, 2019

Month Day Year

Proof of Claim for Internal Revenue Taxes

Department of the Treasury/Internal Revenue Service



Form 4490
(Rev. 2-2005)

Docket Number

19-CP-000108-K

Kind of Proceeding

Probate

Taxpayer's Identification Number:

Social Security Number

Employer Identification Number

59-2517188

In the Probate Court

for the COUNTY OF MONROE, STATE OF FLORIDA

In the Matter of:

ROBERTA S FINE, AND, ROBERTA S FINE P.A.
3402 EAGLE AVE
KEY WEST, FL 33040

The undersigned officer of the Internal Revenue Service, a duly authorized agent of the United States in this behalf, being duly sworn, deposes and says that:

1. ROBERTA S FINE, AND, ROBERTA S FINE is justly and truly indebted to the United States in the amount of \$98,432.17 with interest and penalty as shown below.

2. This debt is for taxes due under the internal Revenue laws of the United States as follows:

Kind of Tax and Period	Unpaid Assessed Balance (dollars)	Accrued Interest (dollars)	Accrued Late Payment Penalty (dollars)	Total	Date Tax Lien Arose
941 03/31/2013	\$4,823.82	\$935.78	\$99.47	\$5,858.87	11/24/2014
941 06/30/2013	\$4,845.28	\$940.00	\$144.92	\$5,930.20	11/24/2014
941 09/30/2013	\$8,014.15	\$1,554.78	\$316.41	\$9,885.34	11/24/2014
941 12/31/2013	\$7,890.99	\$1,530.88	\$389.43	\$9,811.30	11/24/2014
1120 12/31/2013	\$247.93	\$48.11	\$0.00	\$296.04	10/27/2014
941 03/31/2014	\$7,742.95	\$1,502.15	\$460.85	\$9,705.95	11/24/2014
941 06/30/2014	\$6,455.85	\$1,489.93	\$1,091.49	\$9,037.27	12/01/2014
941 09/30/2014	\$3,904.35	\$901.20	\$806.03	\$5,611.58	12/01/2014
941 06/30/2015	\$2,690.84	\$510.99	\$372.43	\$3,574.26	12/14/2015
941 09/30/2015	\$7,345.43	\$778.92	\$172.62	\$8,296.97	09/12/2016
1120 12/31/2015	\$1,560.00	\$205.60	\$0.00	\$1,765.60	05/08/2017
941 06/30/2016	\$7,603.79	\$1,036.59	\$1,119.14	\$9,759.52	01/16/2017
941 06/30/2016	\$7,603.79	\$1,036.59	\$1,119.14	\$9,759.52	01/16/2017
941 09/30/2016	\$7,300.38	\$1,018.53	\$1,317.15	\$9,636.06	01/16/2017
941 06/30/2017	\$1,539.20	\$134.63	\$0.00	\$1,673.83	04/30/2018

3. No part of this debt has been paid, and it is now due and payable to the United States Treasury at the Office of the Internal Revenue Service;

4. Except for the statutory tax liens that arose on the above dates, the United States does not hold, to the deponent's knowledge or belief, any security for this debt;

5. No note or other negotiable instrument has been received for this debt or any part of it, nor has any judgment been rendered with respect to this debt; and

6. This debt has priority and must be paid in full in advance of distribution to creditors to the extent provided by law:

See 31 U.S.C. Section 3713(a). Any executor, administrator, or other person who fails to pay the claims of the United States in accordance with its priority may become personally liable for this debt under 31 U.S.C. Section 3713(b).

(Notarize or witness if court requires)

Subscribed and Sworn to Before Me On

Signature

ANGELA JONES

Title

ADVISOR

ID Number

1000746162

Telephone Number

(850)481-4029

Address:

651-F WEST 14TH STREET
PANAMA CITY, FL 32401-2251

OCTOBER 28, 2019

Month

Day

Year

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERTA S. FINE, P.A., and
ROBERTA S. FINE,

Defendants.

**COMPLAINT TO REDUCE FEDERAL TAX LIABILITIES TO JUDGMENT AND
TO ENJOIN INTERFERENCE WITH THE ADMINISTRATION OF THE
INTERNAL REVENUE LAWS**

The United States of America, by and through undersigned counsel, complains and alleges as follows:

1. The United States brings this action to reduce to judgment unpaid federal taxes assessed against Roberta S. Fine, P.A., and to enjoin defendants from further violation of and interference with the administration of the internal revenue laws.

2. Plaintiff, the United States of America, seeks to permanently restrain and enjoin defendants Roberta S. Fine, P.A. and Roberta S. Fine from:

- (a) failing to pay over to the Internal Revenue Service federal taxes withheld from employee wages;
- (b) failing to make timely federal employment and unemployment tax deposits and payments to the IRS;
- (c) failing to file timely federal employment and unemployment tax returns;

(d) assigning any property or making any disbursements until all required taxes that accrue after the injunction date are paid to the IRS;

(e) failing to provide proof to the IRS of their compliance with the injunction, and

(f) in the case of Roberta S. Fine, owning or operating any new or unknown company or business within five years without notifying the IRS.

3. This action is authorized and requested by the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, and is brought at the direction of a delegate of the Attorney General of the United States, pursuant to 26 U.S.C. § 7401.

JURISDICTION AND VENUE

4. This Court has jurisdiction to hear the action pursuant to 26 U.S.C. § 7402(a) and 28 U.S.C. §§ 1340, 1345.

5. Defendant Roberta S. Fine, P.A. ("Fine PA") is a Florida for-profit corporation with its principal place of business at 1075 Duval Street, Suite C-14, Key West, Florida, in Monroe County. Its registered agent and sole corporate officer is Roberta S. Fine.

6. Defendant Roberta S. Fine resides in Key West, Florida, in Monroe County, within the jurisdiction of this Court.

7. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) and 1396 because the tax liabilities accrued and continue to accrue in this District and the defendants reside in this district.

COUNT 1 – JUDGMENT FOR TAXES UNDER 26 U.S.C. § 7402(a)

8. Fine PA filed forms 941 ("Employer's Quarterly Federal Tax Return") and reported an employment tax liability for every taxable quarter during the period beginning with

the taxable quarter ending December 31, 2005, and ending with the taxable quarter ending September 30, 2016. Many of Fine PA's Forms 941 from this period, including all but one of the periods specified in paragraph 11, below, were filed after the due date. For the periods specified in paragraph 11, below, Fine PA did not pay in full the employment taxes reported on its Forms 941.

9. Fine PA filed Forms 940 ("Employer's Annual Federal Unemployment (FUTA) Tax Return") and reported unemployment tax liabilities for tax years 2005, 2006, and 2015. Fine PA did not pay in full the unemployment taxes reported on its Forms 940. All of these Forms 940 were filed after the due date.

10. Fine PA filed Forms 1120S ("U.S. Income Tax Return for an S Corporation") and reported zero corporate income tax liability for tax years 2008, 2009, 2010, 2011, 2012, 2013, and 2015; however, all of these Forms 1120S were filed after the due date. Fine PA did not pay the statutory penalties for filing late returns in each of these years.

11. On the dates and in the amounts set forth in the following table, a delegate of the Secretary of the Treasury properly assessed Fine PA the unpaid employment (941), unemployment (940), and late-filing penalties related to the corporate income tax (1120) returns described in paragraphs 8 through 10, above, plus interest and statutory additions:

TAX TYPE	TAX PERIOD	ASSESSMENT DATE	ASSESSED TAX	ASSESSED INTEREST	ASSESSED PENALTY
941	12/31/2005	11/19/2007	\$14,776.95	\$2,234.88	\$2,734.21*
					\$1,336.72^
					\$885.88**
					\$607.60**
					\$789.94^
941	03/31/2006	12/24/2007	\$15,120.60	\$3,492.28	
		04/19/2010			
		04/21/2014			
		12/07/2015			
					\$865.64
941	03/31/2006	11/19/2007	\$15,120.60	\$1,027.64	\$1,444.5*
					\$609.90^
					\$872.14**

TAX TYPE	TAX PERIOD	ASSESSMENT DATE	ASSESSED TAX	ASSESSED INTEREST	ASSESSED PENALTY
		11/10/2008 2/23/2009 04/19/2010 04/22/2013 04/21/2014	\$1,626.62 \$446.56		\$406.65* \$111.64* \$1,334.14^ \$179.25^
941	06/30/2006	11/19/2007	\$15,464.24	\$4,327.68 \$1,888.51	\$3,154.71* \$1,121.68^ \$1,409.84** \$97.39* \$2,438.09^ \$42.85^
		02/23/2009 04/19/2010 04/22/2013 04/21/2014	\$389.58	\$6,812.72	
941	09/30/2006	11/19/2007	\$15,807.91	\$1,296.03	\$2,137.46* \$783.27^ \$1,272.15** \$1,591.69^
		04/19/2010 04/21/2014		\$4,204.62	
941	12/31/2006	12/24/2007	\$16,151.55	\$1,271.98	\$1,036.99* \$768.70^ \$678.40** \$383.50^
		04/19/2010 04/21/2014		\$1,630.88	
941	03/31/2007	03/24/2008	\$8,079.00	\$715.02	\$1,710.25* \$444.34^ \$807.84** \$403.95** \$1,410.68
		04/28/2008 04/19/2010 04/21/2014		\$3,018.11	
941	09/30/2012	11/24/2014	\$4,154.64	\$216.87	\$623.20* \$346.22^
		12/07/2015		\$112.75	\$276.73^
941	12/31/2012	11/24/2014	\$4,500.86	\$308.30	\$1,012.69* \$495.09^ \$450.09** \$225.04** \$540.10^
		12/29/2014 12/07/2015		\$219.96	
941	03/31/2013	11/24/2014	\$2,842.15	\$167.89	\$639.48* \$270.00^ \$284.21** \$142.11** \$341.07^
		12/29/2014 12/07/2015		\$136.71	
941	06/30/2013	11/24/2014	\$2,898.38	\$143.17	\$652.14* \$231.87^ \$289.84**

TAX TYPE	TAX PERIOD	ASSESSMENT DATE	ASSESSED TAX	ASSESSED INTEREST	ASSESSED PENALTY
		12/29/2014			\$144.92**
		12/07/2015		\$137.16	\$347.80^
941	09/30/2013	11/24/2014	\$4,867.55	\$193.73	\$1,095.27*
					\$316.41^
		12/29/2014			\$486.78**
		12/07/2015		\$226.58	\$243.39**
941	12/31/2013	11/24/2014	\$4,867.85	\$147.35	\$584.14^
					\$1,095.27*
					\$243.39^
		12/29/2014			\$486.78**
		12/07/2015		\$222.82	243.39**
941	03/31/2014	11/24/2014	\$4,851.08	\$102.46	\$584.14^
					\$1,091.49*
		12/29/2014			\$169.79^
		12/07/2015		\$218.35	\$485.10**
					\$242.55**
941	06/30/2014	12/01/2014	\$4,851.08	\$55.94	\$582.13^
					\$654.90*
					\$121.28^
		01/05/2015			\$485.10**
941	09/30/2014	12/01/2014	\$5,128.02	\$8.57	\$242.55**
					\$33.58^
		01/05/2015			\$335.84**
941	06/30/2015	12/14/2015	\$5,575.04	\$27.33	\$167.92**
					\$250.88*
					\$61.74^
		01/18/2016		\$7.44	\$557.50**
					\$84.64**
941	09/30/2015	09/12/2016	\$4,315.54	\$163.75	\$8.46^
					\$971.00*
					\$258.94^
		10/17/2016		\$25.47	\$431.55**
					\$215.78**
941	03/31/2016	09/19/2016	\$5,920.62	\$105.10	\$43.15^
					\$757.51*
941	06/30/2016	01/16/2017	\$6,644.47	\$146.19	\$177.62^
					\$973.22*
					\$199.33^
		02/28/2017		\$34.01	\$478.80**
					\$332.22**
941	09/30/2016	01/16/2017	\$7,297.32	\$64.70	\$33.23^
					\$145.00**
					\$265.72*
					\$109.46^

TAX TYPE	TAX PERIOD	ASSESSMENT DATE	ASSESSED TAX	ASSESSED INTEREST	ASSESSED PENALTY
		02/20/2017		\$33.34	\$520.87** 364.87** \$36.49^
940	12/31/2005	11/26/2007	\$251.90	\$46.87	\$56.68* \$27.71^ \$35.27^
		04/19/2010 04/21/2014 12/07/2015		\$115.90 \$26.78	
940	12/31/2006	01/28/2008	\$274.80	\$27.50	\$61.83* \$16.49^
		04/21/2014 12/07/2015		\$111.21 \$27.27	
940	12/31/2015	07/10/2017	\$126.00	\$8.87	\$28.35* \$11.34^
1120	12/31/2008	05/07/2012 04/21/2014 12/07/2015		\$64.48 \$58.34	\$1,068.00*
1120	12/31/2009	07/30/2012 04/21/2014 12/07/2015		\$56.72 \$56.37	\$1,068.00*
1120	12/31/2010	08/06/2012 04/21/2014 12/07/2015		\$204.76 \$205.72	\$3,900.00*
1120	12/31/2011	05/19/2014 12/07/2015		\$111.63	\$2,340.00*
1120	12/31/2012	05/19/2014 12/07/2015		\$111.63	\$2,340.00*
1120	12/31/2013	10/27/2014 12/07/2015		\$7.93	\$195.00*
1120	12/31/2015	05/08/2017			\$1,560.00*

* Late Filing Penalty - IRC § 6651(a)(1)

^ Late Payment Penalty - IRC § 6651(a)(2)

** Federal Tax Deposit Penalty - IRC § 6656

^^ Penalty for Dishonored Payment

12. A delegate of the Secretary of the Treasury properly gave Fine PA notices of the unpaid taxes and penalties described in paragraph 11, above, and made demands for their payment. Despite notice and demand, Fine PA has failed to pay the taxes owed.

13. As of February 16, 2018, Fine PA owes a total of \$224,371.82 for unpaid 941 taxes; \$1,419.48 for unpaid 940 taxes; and \$14,536.98 for late-filing penalties related to the 1120 tax returns, all together with penalties and interest that continue to accrue.

COUNT II - INJUNCTION UNDER 26 U.S.C. § 7402(a)

14. The allegations of paragraphs 8 through 9, and 11 through 13, above, are incorporated by reference as if fully set forth herein.

15. At all times relevant to this action, Fine has been the sole owner and operator of Fine PA. Since at least 2005, Fine PA has persistently failed to pay over payroll taxes withheld from employee wages, make federal employment and unemployment tax deposits or payments to the IRS, or timely file employment and unemployment tax returns.

16. As an employer, Fine PA is required by law to withhold from its employees' wages federal income and Federal Insurance Contribution Act (FICA) taxes, and to pay over those withholdings, along with the employer's own FICA taxes and the Federal Unemployment Tax Act (FUTA) taxes (collectively, "employment taxes"). 26 U.S.C. §§ 3102, 3111, 3301, and 3402. As demonstrated by the numerous unpaid liabilities described above, Fine PA has consistently failed to do so.

17. Fine PA is required by law to make periodic deposits of withheld FICA taxes, as well as its share of employment taxes, in an appropriate federal depository bank in accordance with the federal deposit regulations. 26 U.S.C. §§ 6302, 6157; 26 C.F.R. §§ 31.6302-1, 31.6302(a)-1, 31.6302(c)-3. Since 2005, Fine PA has made only sporadic deposits, and in many cases, none at all. Even when Fine PA made deposits, they were frequently not in the required amounts.

18. Fine PA is required by law to file with the IRS Forms 941 and 940 (collectively "employment tax returns"). 26 U.S.C. § 6011; 26 C.F.R. § 31.6071(a)-1. As noted in paragraphs 8 and 9, above, Fine PA consistently failed to do this in a timely manner. Employment tax returns for many of the periods in question were ultimately secured by the IRS only after repeated demands that Fine PA file them.

19. IRS personnel have repeatedly admonished, cautioned, and instructed Fine of the need for Fine PA to become current on its filing and payment obligations with respect to employment taxes, but to no avail. For example:

(a) The IRS revenue officer assigned to this matter made several field visits to Fine PA's business address, including field visits on April 16, 2016, September 21, 2016, November 22, 2016, and March 1, 2017. Each time, the revenue officer explained to Fine the need for defendants to comply with the tax laws and made specific warnings of the consequences of failing to comply.

(b) In addition, the revenue officer has had multiple telephone conversations with Fine and Fine PA's power of attorney (POA) during which the topic of compliance was addressed and identical warnings were issued.

(c) On March 1, 2017, the revenue officer hand-delivered Letter 903 to Fine. Letter 903 specifically warns taxpayers of the possibility of an injunction under 26 U.S.C. § 7402(a) to stop employment tax pyramiding.

20. In addition to notifying the defendants of the need to comply with the tax laws, the IRS has taken a variety of steps to collect the unpaid taxes. For example, the IRS has filed notices of federal tax liens against Fine PA, issued levies to banks and credit card merchant accounts, and assessed trust fund recovery penalties (TFRPs) against Fine. None of these

administrative remedies has resulted in full payment of the taxes owed, nor have they stopped defendants from continuing to accrue additional employment tax obligations as they come due. Indeed, Fine PA constantly generates more new employment tax liabilities than the IRS can collect on its preexisting liability.

21. At one point in early 2015, Fine PA began staying current on its employment tax withholding, deposit, and filing obligations. However, Fine PA soon reverted to its pattern of falling behind, and by the summer of 2015, was no longer current with employment tax deposits or filing requirements.

22. As of February 2018, Fine PA has not filed any Form 941 for any quarter since the quarter ending March 31, 2017, nor has Fine PA made any tax deposits for any quarter since the quarter ending June 30, 2017.

23. Section 7402(a) of the Internal Revenue Code (26 U.S.C.) authorizes a court to issue injunctions as may be necessary or appropriate for the enforcement of the internal revenue laws, even if the United States has other remedies available.

24. Fine PA has substantially interfered with, and continues to substantially interfere with, the internal revenue laws by continually failing to pay employment tax obligations required by 26 U.S.C. §§ 3102, 3111, 3301, and 3402, failing to make employment tax deposits as required by 26 U.S.C. §§ 6302, 6157, Treasury Regulation (26 C.F.R.) §§ 31.6302-1, 31.6302(c)-1, and 31.6302(c)-3, and failing to file returns as required by 26 U.S.C. § 6011 and Treasury Regulation (26 C.F.R.) § 31.6071(a)-1. An injunction is appropriate and necessary to prevent continued violations.

25. Fine, as the owner and/or operator of the business and the person responsible for its financial affairs, has substantially interfered with, and continues to substantially interfere

with, the internal revenue laws by obstructing IRS efforts to collect those liabilities and continually failing to cause the business to pay its employment tax obligations required by 26 U.S.C. §§ 3102, 3111, 3301, and 3402, to make its employment tax deposits as required by 26 U.S.C. §§ 6302, 6157 and Treasury Regulation (C.F.R.) §§ 31.6302-1, 31.6302(c)-1, and 31.6302(c)-3, and to file its returns as required by 26 U.S.C. § 6011 and Treasury Regulation (26 C.F.R.) § 31.6071(a)-1. Instead, at Fine's direction, her business continues to pay other expenses without satisfying its employment tax obligations. An injunction is appropriate and necessary to prevent continued violations.

26. Absent Court intervention, the United States lacks an adequate legal remedy to prevent additional nonpayment of employment taxes and late filing of employment tax returns by Fine and Fine PA. The IRS has been unable to collect Fine PA's significant employment tax obligations through other remedies available to it under the law. Levies issued by the IRS have not resulted in sufficient payments to satisfy Fine PA's mounting employment tax liabilities. Fine PA also has inadequate assets to satisfy its employment tax obligations through seizure. Finally, although Fine has been assessed with trust fund penalties for a portion of the business' liabilities, she also has inadequate assets to fully satisfy the business' employment tax liabilities.

27. Meanwhile, defendants continue to accumulate additional employment tax liabilities each quarter, causing the United States to suffer irreparable harm, including but not limited to: (a) the loss of tax revenue, including the loss of the employees' FICA and income taxes for which the employees already have received credit; (b) the drain on limited IRS resources due to the extensive required oversight of this business; and (c) the harm to the system as a whole when competitors see the business' continued non-compliance with the very federal laws its competitors are following.

28. The harm suffered by the United States as a result of continued employment tax pyramiding outweighs the harm suffered by Fine and/or her business by being forced to comply with the law and timely pay employment tax obligations and file employment tax returns.

29. An injunction in this case would serve the public good. As the efficacy of the federal income tax and Social Security system relies on employers to collect and remit income and FICA taxes paid by their employees, pyramiding undermines the most vital cog in our system of tax collection. Additionally, by using tax money for Fine PA's expenses, Fine and her business extract an involuntary subsidy from the taxpayers of the United States. An injunction would bring an end to this waste of taxpayer resources.

30. Furthermore, the defendants' obstruction and interference with internal revenue laws not only sends a poor message to a public comprised of compliant taxpayers, but provides Fine PA with a competitive advantage over business competitors who, in compliance with internal laws, pay the federal employment taxes defendants eschew.

31. In the absence of an injunction backed by the Court's contempt powers, defendants are likely to continue to obstruct and interfere with the enforcement of the internal revenue laws by pyramiding taxes to the detriment of the United States.

WHEREFORE, Plaintiff, United States of America, respectfully prays for the following:

A. That this Court enter judgment in favor of the United States of America and against Roberta S. Fine, P.A. for unpaid 941 employment taxes in the amount of \$224,371.82 as of February 16, 2018, plus interest and statutory additions as allowed by law until paid;

B. That this Court enter judgment in favor of the United States of America and against Roberta S. Fine, P.A. for unpaid 940 unemployment taxes in the amount of \$1,419.48 as of February 16, 2018, plus interest and statutory additions as allowed by law until paid;

C. That this Court enter judgment in favor of the United States of America and against Roberta S. Fine, P.A. for unpaid late-filing penalties related to 1120 income tax returns in the amount of \$14,536.98 as of February 16, 2018, plus interest and statutory additions as allowed by law until paid;

D. That this Court find that defendants Roberta S. Fine, P.A. and Roberta S. Fine have engaged in and are engaging in conduct interfering with the enforcement of the internal revenue laws;

E. That this Court find that injunctive relief under I.R.C. § 7402(a) and the Court's inherent equity powers is appropriate to stop the conduct described herein by Roberta S. Fine, P.A. and Roberta S. Fine;

F. That this Court, pursuant to I.R.C. § 7402, enter a permanent injunction:

(1) prohibiting Roberta S. Fine (individually and doing business under any other name or using any other entity), Roberta S. Fine, P.A., and their representatives, agents, servants, employees, attorneys, successors in interest, and assigns, and anyone in active concert or participation with them, from failing to withhold and pay over to the IRS all employment taxes, including federal income, FUTA, and FICA taxes, required by law;

(2) requiring Roberta S. Fine, P.A. and Roberta S. Fine to segregate and hold separate and apart from all other funds all monies withheld from employees or collected from others for taxes under any internal revenue laws of the United States and to deposit the monies so withheld and collected, as well as the employer's share of FICA taxes, in an appropriate federal depository bank in accordance with the federal deposit regulations;

- (3) requiring Roberta S. Fine, P.A. and Roberta S. Fine to deposit FUTA taxes in an appropriate federal depository bank each quarter in accordance with the federal deposit regulations;
- (4) requiring Roberta S. Fine, P.A. and Roberta S. Fine and any other individuals who are responsible for carrying out the duties established under paragraphs F(2) and (3), for a period of five years, to sign and deliver affidavits to the IRS at 51 SW First Avenue, Miami, Florida 33130, or to such other specific location as directed by the IRS, no later than the twentieth day of each month, stating that the requisite withheld income, FICA, and FUTA tax deposits were timely made;
- (5) requiring Roberta S. Fine, P.A. and Roberta S. Fine to timely file all Form 941 and 940 tax returns with the IRS at 51 SW First Avenue, Miami, Florida 33130, or to such other specific location as directed by the IRS;
- (6) requiring Roberta S. Fine, P.A. and Roberta S. Fine to timely pay all required outstanding liabilities due on each tax return required to be filed;
- (7) prohibiting Roberta S. Fine, P.A. and Roberta S. Fine and their representatives, agents, servants, employees, attorneys, successors in interest and assigns, and anyone in active concert or participation with them, from assigning any property or rights to property or making any disbursements before paying all required outstanding liabilities due on each tax return due to be filed going forward from the date of the injunction; and
- (8) requiring Roberta S. Fine to notify the IRS in the future of any new company she may come to own, manage, or work for in the next five years.

G. That this Court retain jurisdiction over this case to ensure compliance with this injunction; and

H. That the Court grant the United States such other relief, including costs, as is just and equitable.

Dated: February 16, 2018

Respectfully submitted,

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

s/ Nicholas S. Bahnsen
NICHOLAS S. BAHNSEN
S.D. Fla. Bar No. A5502098
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 14198
Washington, D.C. 20044
Telephone: (202) 616-2309
Facsimile: (202) 514-4963
Nicholas.S.Bahnsen@usdoj.gov

of counsel

BENJAMIN G. GREENBERG
Acting United States Attorney

*Attorneys for Plaintiff the United States
of America*

Form 668 (Y)(c)
(Rev. February 2004)

16999

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number

313588118

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer ROBERTA S FINE PA, a Corporation

Doc# 2177711 07/12/2018 2:47PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

Residence

1075 DUVAL STREET SUITE C-14
KEY WEST, FL 33040-3195

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	09/30/2006	XX-XXX7188	11/19/2007	12/19/2027	20785.05
941	12/31/2006	XX-XXX7188	12/24/2007	01/23/2028	10048.13
941	03/31/2007	XX-XXX7188	03/24/2008	04/23/2028	15261.31

Doc# 2177711
Bk# 2916 P# 1795

Place of Filing

County Courthouse
Monroe County
Key West, FL 33040

Total \$ 46094.49

This notice was prepared and signed at BALTIMORE, MD, on this,

the 26th day of June, 2018.

MONROE COUNTY
OFFICIAL RECORDS

Signature

for RUBEN MOJICA

Title
ADVISOR

(787) 522-1823

23-96-6937

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-486, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 80025X

*** PARTIAL REVOCATION *** PARTIAL REVOCATION **

Form 12474(A)
(Rev. 10-00)

16999

Department of the Treasury - Internal Revenue Service

*** PARTIAL **

Revocation of Certificate of Release of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone (800) 913-6050

Serial Number

581637209

For Use by Recording Office

I certify that we mistakenly allowed a Notice of Federal Tax Lien filed against the taxpayer listed below to operate as a Certificate of Release. I declare that the automatic release of the Notice of Federal Tax Lien is revoked and that the lien is reinstated as provided under Internal Revenue Code Section 6325(f)(2).

Name of Taxpayer ROBERTA S FINE PA

Doc# 2168129 05/08/2018 3:07PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

Residence 1514 4TH ST
KEY WEST, FL 33040-5104

Doc# 2168129
Ekt 2905 Pg# 1682

COURT RECORDING INFORMATION:

Liber Page UCC No. Serial No.
2433 76 n/a 1760299

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	09/30/2006	XX-XXX7188	11/19/2007	12/19/2017	14988.74
941	12/31/2006	XX-XXX7188	12/24/2007	01/23/2018	8033.75
941	03/31/2007	XX-XXX7188	03/24/2008	04/23/2018	11082.52

*PARTIAL REVOCATION. The automatic release of federal tax Lien is revoked only as it relates to the tax liabilities listed in this revocation. The lien is released for all other tax liabilities shown on the Certificate of Release.

Place of Filing	County Courthouse Monroe County Key West, FL 33040	Total \$	34105.01
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This notice was prepared and signed at BALTIMORE, MD, on this,
the 30th day of April, 2018.
MONROE COUNTY
OFFICIAL RECORDS

Signature

Joan Flach

Title

Operations Manager,
Centralized Lien Operation

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Revocation of Certificate of Release of Federal Tax Lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - RECORDING OFFICE COPY

Form 12474(A) (Rev. 10-00)
CAT. NO 73179W

Form 12474(A)
(Rev. 10-00)

1699 Department of the Treasury - Internal Revenue Service

Revocation of Certificate of Release of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone (800) 913-6050

Serial Number

870267012

For Use by Recording Office

I certify that we mistakenly allowed a Notice of Federal Tax Lien filed against the taxpayer listed below to operate as a Certificate of Release. I declare that the automatic release of the Notice of Federal Tax Lien is revoked and that the lien is reinstated as provided under Internal Revenue Code Section 6325(f)(2).

Name of Taxpayer ROBERTA S FINE PA

Doc# 2168130 05/08/2018 3:07PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

Residence 1075 DUVAL ST STE C14
KEY WEST, FL 33040-3195

Doc# 2168130
Bk# 2905 Pg# 1863

COURT RECORDING INFORMATION:

Liber Page UCC No. Serial No.
2573 1962 n/a 1886245

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
940	12/31/2005	XX-XXX7188	11/26/2007	12/26/2017	418.43
940	12/31/2006	XX-XXX7188	01/28/2008	02/27/2018	432.83
941	12/31/2005	XX-XXX7188	11/19/2007	12/19/2017	13975.65

Place of Filing

County Courthouse
Monroe County
Key West, FL 33040

Total \$ 14826.91

This notice was prepared and signed at BALTIMORE, MD , on this,

the 30th day of April, 2018

MONROE COUNTY
OFFICIAL RECORDS

Signature

Joan Flach

Title

Operations Manager,
Centralized Lien Operation

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Revocation of Certificate of Release of Federal Tax lien Rev. Rul. 71-468, 1971 - 2 C.B. 409)

Part 1 - RECORDING OFFICE COPY

Form 12474(A) (Rev. 10-00)
CAT. NO 73179W

*** PARTIAL REVOCATION *** PARTIAL REVOCATION **

Form 12474(A)
(Rev. 10-00)

16999

Department of the Treasury - Internal Revenue Service

*** PARTIAL **

Revocation of Certificate of Release of Federal Tax Lien

Area:
SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone (800) 913-6050

Serial Number

296029318

For Use by Recording Office

I certify that we mistakenly allowed a Notice of Federal Tax Lien filed against the taxpayer listed below to operate as a Certificate of Release. I declare that the automatic release of the Notice of Federal Tax Lien is revoked and that the lien is reinstated as provided under Internal Revenue Code Section 6325(f)(2).

Name of Taxpayer ROBERTA S FINE PA

Doc# 2168128 05/08/2018 3:07PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN HADOK

Residence 1075 DUVAL STREET SUITE C-14
KEY WEST, FL 33040-3195

Doc# 2168128
Bk# 2905 Pg# 1661

COURT RECORDING INFORMATION:

Liber Page UCC No. Serial No.
2893 222 n/a 2156508

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	03/31/2007	XX-XXX7188	03/24/2008	04/23/2018	15261.31

*PARTIAL REVOCATION. The automatic release of federal tax Lien is revoked only as it relates to the tax liabilities listed in this revocation. The lien is released for all other tax liabilities shown on the Certificate of Release.

Place of Filing County Courthouse
Monroe County
Key West, FL 33040

Total \$ 15261.31

This notice was prepared and signed at BALTIMORE, MD , on this,

the 30th day of April, 2018

MONROE COUNTY
OFFICIAL RECORDS

Signature

Jean Flach

Title

Operations Manager,
Centralized Lien Operation

(NOTE: Certificate of officer authorized by law to take acknowledgments is not essential to the validity of Revocation of Certificate of Release of Federal Tax Lien Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - RECORDING OFFICE COPY

Form 12474(A) (Rev. 10-00)
CAT. NO 73179W

23966937 *** REFILED NOTICE

Form **668-F**
(March 2016)

16999

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien Refile

Recorded: 02/22/2018 2693 00:00 222 2156508

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Original Serial Number

296029318

For Use by Recording Office

In accordance with section 6323(g) of the Internal Revenue Code, the Notice of Federal Tax Lien originally filed on February 21, 2018 is hereby refiled with regard to the taxpayer and assessments identified below.

Doc# 2168126 05/08/2018 3:07PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

Name of Taxpayer **ROBERTA S FINE PA**
a Corporation

Doc# 2168126
Bk# 2905 Pg# 1659

Address **1075 DUVAL STREET SUITE C-14**
KEY WEST, FL 33040-3195

Kind of Tax (a)	Tax Period Ended (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	03/31/2006	XX-XXX7188	02/23/2009	03/25/2029	18071.06
941	06/30/2006	XX-XXX7188	02/23/2009	03/25/2029	31376.31

Notice of Federal Tax Lien Refile

Refile Serial Number **306604318** Identifying Number* _____ Date **04/30/2018**

Current Taxpayer Name*

Current Address*

Place of Refiling

Monroe

Joan Flach

Signature for **RUBEN MOJICA**Title **ADVISOR**

(787) 522-1823

* If different from original notice of lien

Original Place of Filing

County Courthouse
Monroe County
Key West, FL 33040

Total of Refile \$ **49447.37**

The original notice was prepared and executed at **BALTIMORE, MD**, on this,

the **06th** day of **February**, **2018**.

MONROE COUNTY
OFFICIAL RECORDS

Signature

for **CARLOS A GUTIERREZ**

Title

REVENUE OFFICER

23-15-1032

Catalog Number 16742R

www.irs.gov

Form **668-F** (Rev. 3-2018)

Form **668-F**
(March 2016)

16999

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien Refile

Recorded: 09/24/2009 2433 13:07 76 1760299

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Original Serial Number

581637209

For Use by Recording Office

In accordance with section 6323(g) of the Internal Revenue Code, the Notice of Federal Tax Lien originally filed on September 24, 2009 is hereby refiled with regard to the taxpayer and assessments identified below.

Doc# 2168125 05/08/2018 3:07PM
Filed & Recorded in Official Records of
MONROE COUNTY KEVIN MADOK

Name of Taxpayer ROBERTA S FINE PA

Doc# 2168125
Ekt# 2905 Pgn 1658

Address 1514 4TH ST
KEY WEST, FL 33040-5104

Kind of Tax (a)	Tax Period Ended (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	03/31/2006	XX-XXX7188	02/23/2009	03/25/2029	12965.67
941	06/30/2006	XX-XXX7188	02/23/2009	03/25/2029	22082.65

Notice of Federal Tax Lien Refile

Refile Serial Number 306596218 Identifying Number* _____ Date 04/30/2018

Current Taxpayer Name* _____

Current Address* _____

Place of Refiling

Monroe*Joan Flach*Signature for RUBEN MOJICATitle ADVISOR(787) 522-1823

*If different from original notice of lien

Original Place of Filing

County Courthouse
Monroe County
Key West, FL 33040

Total of Refile \$ 35048.32

The original notice was prepared and executed at BALTIMORE, MD, on this,

the 15th day of September, 2009.

MONROE COUNTY
OFFICIAL RECORDS

Signature

for THERESA HARLEY

Title

ACS SBSE23-00-0008

Catalog Number 16742R

www.irs.gov

Form **668-F** (Rev. 3-2016)

Form 668 (Y)(c)
(Rev. February 2004)

10194

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number

136317214

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer ROBERTA S FINE PA, a Corporation

Doc# 2011284 01/06/2015 2:43PM
Filed & Recorded in Official Records of
MONROE COUNTY AMY HEAVILIN

Residence

1075 DUVAL STREET SUITE C-14
KEY WEST, FL 33040-3195

Doc# 2011284
Bkn 2719 Pgn 1155

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	06/30/2014	59-2517188	12/01/2014	12/31/2024	6410.85
941	09/30/2014	59-2517188	12/01/2014	12/31/2024	3904.35
Place of Filing County Courthouse Monroe County Key West, FL 33040					Total \$ 10315.20

This notice was prepared and signed at BALTIMORE, MD, on this,

the 23rd day of December, 2014.

MONROE COUNTY
OFFICIAL RECORDS

Signature

for JUAN C. MARTINEZ-BRE

Title

REVENUE OFFICER
(305) 982-5189

23-08-1520

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-486, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X

Form 668 (Y)(c)
(Rev. February 2004)

10194

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 913-6050

Serial Number

119450114

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Doc# 1899147 09/26/2014 2:36PM
Filed & Recorded in Official Records of
MONROE COUNTY ANY HEAVILIN

Name of Taxpayer ROBERTA S FINE PA, a Corporation

Doc# 1899147
Bk# 2704 Pg# 1071

Residence

1075 DUVAL STREET SUITE C-14
KEY WEST, FL 33040-3195

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
1120	12/31/2008	59-2517188	05/07/2012	06/06/2022	1132.48
1120	12/31/2009	59-2517188	07/30/2012	08/29/2022	1124.72
1120	12/31/2010	59-2517188	08/06/2012	09/05/2022	4104.76
1120	12/31/2011	59-2517188	05/19/2014	06/18/2024	2340.00
1120	12/31/2012	59-2517188	05/19/2014	06/18/2024	2340.00
Place of Filing County Courthouse Monroe County Key West, FL 33040					Total \$ 11041.96

This notice was prepared and signed at BALTIMORE, MD, on this,

the 11th day of September, 2014.

MONROE COUNTY
OFFICIAL RECORDS

Signature

for JUAN C MARTINEZ-BRE

Title

REVENUE OFFICER
(305) 982-5189

23-08-1020

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-468, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 80025X

Form 668 (Y)(c)
(Rev. February 2004)

3351

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 829-3903

Serial Number

870267012

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer ROBERTA S FINE PA

Residence 1075 DUVAL ST STE C14
KEY WEST, FL 33040-3195

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refiled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Doc# 1886245 08/07/2012 1:07PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Doc# 1886245
Bk# 2573 Pg# 1962

MONROE COUNTY
OFFICIAL RECORDS

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
940	12/31/2005	59-2517188	11/26/2007	12/26/2017	418.43
940	12/31/2006	59-2517188	01/28/2008	02/27/2018	432.83
941	12/31/2005	59-2517188	11/19/2007	12/19/2017	13975.65

Place of Filing

County Courthouse
Monroe County
Key West, FL 33040

Total \$ 14826.91

This notice was prepared and signed at BALTIMORE, MD , on this,

the 24th day of May , 2012.

Signature

for P.A. BELTON

Title

ACS SBSE
(800) 829-3903

23-00-0008

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax Lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT. NO 60025X

Form 668 (Y)(c)
(Rev. February 2004)

3479

Department of the Treasury - Internal Revenue Service

Notice of Federal Tax Lien

Area:

SMALL BUSINESS/SELF EMPLOYED AREA #3
Lien Unit Phone: (800) 829-3903

Serial Number

581637209

For Optional Use by Recording Office

As provided by section 6321, 6322, and 6323 of the Internal Revenue Code, we are giving a notice that taxes (including interest and penalties) have been assessed against the following-named taxpayer. We have made a demand for payment of this liability, but it remains unpaid. Therefore, there is a lien in favor of the United States on all property and rights to property belonging to this taxpayer for the amount of these taxes, and additional penalties, interest, and costs that may accrue.

Name of Taxpayer ROBERTA S FINE PA

Doc# 1760289 09/24/2009 1:07PM
Filed & Recorded in Official Records of
MONROE COUNTY DANNY L. KOLHAGE

Residence

1514 4TH ST
KEY WEST, FL 33040-5104

Doc# 1760298
Bk# 2433 Pg# 76

IMPORTANT RELEASE INFORMATION: For each assessment listed below, unless notice of the lien is refilled by the date given in column (e), this notice shall, on the day following such date, operate as a certificate of release as defined in IRC 6325(a).

Kind of Tax (a)	Tax Period Ending (b)	Identifying Number (c)	Date of Assessment (d)	Last Day for Refiling (e)	Unpaid Balance of Assessment (f)
941	03/31/2006	7188	11/19/2007	12/19/2017	
941	03/31/2006	7188	11/10/2008	12/10/2018	
941	03/31/2006	7188	02/23/2009	03/25/2019	
941	06/30/2006	7188	11/19/2007	12/19/2017	12965.67
941	06/30/2006	7188	02/23/2009	03/25/2019	
941	09/30/2006	7188	11/19/2007	12/19/2017	22082.65
941	12/31/2006	7188	12/24/2007	01/23/2018	14988.74
941	03/31/2007	7188	03/24/2008	04/23/2018	8033.75
					11082.52
Place of Filing					
County Courthouse Monroe County Key West, FL 33040					
Total					\$ 69153.33

This notice was prepared and signed at BALTIMORE, MD, on this,

the 15th day of September, 2009.

MONROE COUNTY
OFFICIAL RECORDS

Signature

R. A. Mitchell

Title
ACS

for THERESA HARLEY

(800) 829-3903

23-00-0008

(NOTE: Certificate of officer authorized by law to take acknowledgment is not essential to the validity of Notice of Federal Tax lien
Rev. Rul. 71-466, 1971 - 2 C.B. 409)

Part 1 - Kept By Recording Office

Form 668(Y)(c) (Rev. 2-2004)
CAT NO 60035V



January 28, 2020

Marci L. Rose, Esq.
Attorney at Law
810 Thomas Street
Key West, FL 33040
Phone: 305-293-1881

Re: Payoff Quote
Account Number ending in 2956
1075 Duval Street, Unit C14, Key West, FL 33040

The following payoff quote is the estimated amount required to pay the above-referenced loan(s) in full.

This payoff amount is good through: February 4, 2020

\$147,861.18 - Principal balance
\$5,219.89 - Interest (\$23.62 per diem amount)
\$194.85 - Late charges
\$17,217.97 - Other fees/charges (legal fees, appraisal fees, etc).
\$170,493.89 - Total Payoff Amount

Payment in good funds, consisting of either a check drawn on First Horizon Bank or a wire transfer through the Federal Reserve System, should be sent to the attention of the undersigned at 165 Madison Avenue, 1st Floor, Memphis, TN 38103. Alternatively, you may contact us with written authorization to debit one of your First Horizon Bank checking accounts. In order to stop interest accruing, payment must be received no later than 3:00 P.M. C.T. on regular banking days. Any payment received after 3:00 P.M. C.T. will be considered to have been received on the following banking business day, and interest will continue to accrue until that date. **If the payoff is not received by the date noted above, interest will continue to accrue at the daily accrual rate given above, except in the case of a change in the interest rate pursuant to the terms of the note.**

To wire funds, please send to: First Horizon Bank
Routing #: [REDACTED]
Money Transfer Bank Secrecy
Account [REDACTED]
Reference: **Roberta S. Fine**
Notify: Jeanna McWilliams

These figures are subject to final verification by First Horizon Bank. We reserve the right to adjust these figures and refuse any funds which are insufficient to pay the loan in full for any reason, including but not limited to, recent advances, returned checks or money orders, additional fees or charges, additional disbursements made on your behalf, and/or clerical errors. This payoff quote applies only to the loan(s) referenced above and does not include any other indebtedness owed by you to First Horizon Bank.

To notify us of an error or request information about your account, please use the following address: **First Horizon Bank, ATTN: Customer Solutions, P.O. Box 15003, Knoxville, TN 37901-5003**. Please include your name, your account number or other information that will help us identify your account, the error you believe occurred, or the information requested.

Please be advised that if a foreclosure sale has been scheduled on your property, the sale will not be canceled or postponed unless the Total Payoff Amount stated above is received by First Horizon Bank prior to the above-referenced date. Upon expiration of that date, the Total Payoff Amount will no longer be valid. Should you require updated figures, please contact us at the number listed below.

Should you have any questions, please contact me at 629-208-2021.

Sincerely,

Jeanna McWilliams

Senior Vice President

jmewilliams@firsthorizon.com

Office: 629-208-2021

Fax: 615-661-6303

211 Franklin Rd, Suite 300

Brentwood, TN 37027



1/29/2020

First Horizon Payoff Quote dated January 28, 2020; 1075 Duval Street, Unit C14, Key West, FL

Subject: First Horizon Payoff Quote dated January 28, 2020; 1075 Duval Street, Unit C14, Key West, FL
Date: 1/29/2020 11:23:49 AM Eastern Standard Time
From: trinaldi@bsk.com
To: squirerose@aol.com
Cc: knettles@bsk.com

Marci,

I hope this email finds you well. I represent First Horizon, and I was asked to forward to you a copy of a payoff quote related to the above referenced matter as the authorized representative. Please see attached which shall also be provided via U.S. mail. Should you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Tom R.

Thomas Rinaldi

Member

239.659.3866 Direct

trinaldi@bsk.com

Representative Experience



4001 Tamiami Trail North, Suite 105, Naples, FL 34103-3556

This email is ONLY for the person(s) named in the message header. Unless otherwise indicated, it contains information that is confidential, privileged or exempt from disclosure under applicable law. If you have received it in error, please notify the sender of the error and delete the message.