

Action Minutes - Final Code Compliance Hearing

| - Wednesday, February 27, 2013 | 1:30 PM | Old City Hall |
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ADA Assistance: It is the policy of the City of Key West to comply with all requirements of the Americans with Disabilities Act (ADA). Please call the TTY number at 305-809-1000 or the ADA Coordinator at 305-809-3951 at least five business days in advance for sign language interpreters, assistive listening devices, or materials in accessible format.

Call Meeting to Order

Code Violations

1

Case # 07-676

Sylvia E Marucci Shelly TR U/T/D 09-02-88 Carolyn Cochrane Executive 1402 Vernon Avenue Down Rear Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 90-363 Certificate of Occupancy Officer Bonnita Badgett Certified Service: 7-27-2012 Initial Hearing: 8-22-2012

Continued from January 30, 2013

Count 1: A business tax receipt is required to rent your property. **Count 2:** A certificate of occupancy is required for all units located on the property. There are a total of 5 units and the city only recognizes 3.

This case was continued to March 27, 2013.

Case # 11-1541

James & Judith Wert 1424 Petronia Street Sec. 66-87 Business tax receipt required Sec. 58-61 Determination and levy of charge Sec. 14-37 Building permits; professional plans; display of permits Sec. 90-363 Certificate of Occupancy required Officer Bonnita Badgett

Certified Service: 4-13-2012 Initial Hearing: 4-25-2012

Continued from November 14, 2012 for compliance - In compliance

Count 1: A business tax receipt for all units is required to rent the property. Count 2: A solid waste account is required for all units.
Count 3: A building permit is required to build a third unit. Count 4: A certificate of occupancy is required prior to renting the third unit.

This case is in compliance. The fees have been paid. The Special Magistrate closed this case.

Case # 12-836

SHS Investment of South Florida Inc. Si Stern Robert M Weinberger, Registered Agent 820 White Street Sec. 14-40 Permits in historic district Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 90-363 Certificate of occupancy - required Officer Bonnita Badgett Certified Service: 8-31-2012 - Owner 9-13-2012 - Registered Agent Initial Hearing: 9-26-2012

Continued from January 30, 2013

Count 1: Placed low voltage cameras outside without HARC approval.
In compliance. Count 2: A business tax receipt is required for all 32 rooms. Only licensed for 19 guestrooms and 1 transient rental. Count
3: A certificate of occupancy is required for the extra 12 rooms.

This case was continued to July 31, 2013.

Case # 12-1082

Tony's Sheet Metal & Roofing Emigdio A Gill 1730 Bahama Drive Sec. 14-37 Building permits; professional plans; display of permits Sec. 18-150 Certificate of competency required Officer Bonnita Badgett Certified Service: 9-21-2012 Initial Hearing: 10-17-2012

Continued from January 30, 2013 Irreparable Violation

Count 1: A building permit is required to do structural work on the trusses prior to commencement. **Count 2:** A certificate of competency is required for structural work.

The Special Magistrate was presented a Settlement Agreement which he approved. The Respondent agrees to pay the outstanding fines and costs associated with the CEB hearing \$350 within 30 days of the Code Compliance Special Magistrate's signature on the Settlement Agreement. Respondent agrees to pay costs associated with the above reference case in the amount of \$250. A suspended fine will be imposed in the amount of an additional \$250 for a period of 24 months from the date of the Code Compliance Special Magistrate's signature on the Settlement Agreement. If Respondent does not commit any further violations of the same City of Key West Code of Ordinances charged herein, the suspended fine shall be vacated forthwith.

Case # 12-1416

Peter & Carole Bombaro 1075 Duval Street R26 Sec. 18-602 Rebuttable presumption of violation Sec. 18-601 License Required Officer Bonnita Badgett Certified Service: 2-14-2013 Initial Hearing: 2-27-2013

Continuance granted to March 27, 2013

Count 1: On September 27, 2012 the city received a complaint regarding advertising for transient rentals at the property of 1075 Duval Street R26. This property holds a non-transient rental license. Count
2: A transient rental license in required to rent this townhome transiently.

This case was continued to March 27, 2013.

Case # 12-1617 Pro-Crete Systems of Florida, LLC Gregory Doyle 281 Trumbo Road Sec. 74-32 Discharges to natural outlets Officer Bonnita Badgett Certified Service: 2-4-2013 Initial Hearing: 2-27-2013

Continuance granted to March 27, 2013 Irreparable Violation

Count 1: The city received a complaint on November 6, 2012. An R/V had its discharge hose running into the city storm water drain. OMI did testing for human fecal matter in the drain and the test was positive.

This case was continued to March 27, 2013 for the Settlement Agreement.

Case # 12-1802

Teresa A Cathey 718 Thomas Street Sec. 58-61 Determination of levy charge Sec. 90-363 Certificate of Occupancy; Required Officer Bonnita Badgett Certified Service: 2-22-2013 Initial Hearing: 2-27-2013

New Case

Count 1: There are two units on the property. The city only recognizes one. **Count 2:** A Certificate of Occupancy is required for the second unit.

This case was continued to March 27, 2013.

Case # 13-11 Robin Rule Marsha Rule 1205 Florida Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 58-72 Responsibility of owner and tenant for payment - dismiss Sec. 74-206 Owner's responsibility for payment - dismiss Officer Bonnita Badgett Certified Service: 2-13-2013 Initial Hearing: 2-27-2013

New Case

Count 1: A business tax receipt is required to rent your property

The Special Magistrate dismissed this case at the request of the Code Officer.

Case # 12-1489 Eye Catcher Display & Signage (Cindy's Signs Inc.) Cynthia Phillips Sandra Phillips Registered Agent All Keys Construction Inc.

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11

Amber Shaffer 1700 N Roosevelt Blvd Sec. 18-146 License Required - Eye Catcher Sec. 18-117 Acts declared unlawful - All Keys Construction Officer Kevin Caruso Certified Service: 12-2-2012 - Eye Catcher Initial Hearing: 12-19-2012

Continued from January 30, 2013

Count 1: Eye Catcher Display & Signage was installing a sign on or about October 9, 2012 without benefit of a contractor's license. **Count 2:** On or about October 9, 2012, Eye Catcher Display & Signage was installing a sign. The permit was issued to All Keys Construction. Eye Catcher Display & Signage does not have a license to install signs.

This case was continued to March 27, 2013.

Case # 12-1771

Alexel Saenko 406 Petronia Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 122-869 Prohibited uses - HNC-3 Officer Kevin Caruso Posted: 2-6-2013 Initial Hearing: 2-27-2013

New Case

Count 1: A business tax receipt is required to rent your property. **Count 2:** Boarding houses are prohibited in the HNC-3 district.

The Special Magistrate found Alexel Saenko in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count if compliance is not met by March 26, 2013. A compliance hearing will be held on March 27, 2013.

Case # 11-1286

Faye G Logun 2310 Patterson Avenue Sec. 122-1078 Restrictions on buildings and structures, including entryways, Counts 1-5 Sec. 14-37 Building permits; professional plans; display of permits, Count 6 Sec. 90-356 Building permits required, Count 7 Sec. 90-391 Variances, Counts 8 and 9 Officer Peg Corbett Certified Service: 8-3-2012 Initial Hearing: 9-26-2012

Continued from January 30, 2013 for compliance

Counts 1-5: Subject property has five rooms held out for rent (3 occupied at the time of inspection) without proper ingress/egress. **Count 6:** The main house was altered/renovated to add the above five subject rooms without the benefit of a building permit(s). **Count 7:** Two additional rooms were added to the original home in 2005 without the benefit of a building permit. **Counts 8 and 9:** For extending the main house to add the subject rooms identified in count one through five on the side setback of the property. For adding an outdoor shared bathroom facility on the rear setback of the property.

The Special Magistrate approve the request to extend the compliance date to March 27, 2013.

12

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Case # 12-991

Rishi Gidwani 3609 Northside Drive Sec. 14-37 Building permits; professional plans; display of permits Officer Peg Corbett Posted: 12-27-2012 Initial Hearing: 1-30-2013

Continued from January 30, 2013

Count 1: New side door was installed without benefit of a permit.

The Special Magistrate had originally imposed fines and fees at the hearing that was held in January. This hearing was for compliance. Once informed, the Special Magistrate imposed the fines. The Special Magistrate will announce this at the hearing in March.

Case # 12-1225 Michael Pettry Wanda Weeks, R/S 3635 Flagler Avenue Sec. 58-61 Determination and levy of charge Sec. 90-363 Certificate of occupancy - required Sec. 14-37 Building permits; professional plans; display of permits Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business

Sec. 122-237 Prohibited uses - Single Family

Officer Peg Corbett Certified Service: 12-24-2012 Initial Hearing: 1-30-2013

Continued from January 30, 2013

Count 1: There are two units on this property. The city only recognizes one unit. **Count 2:** A certificate of occupancy is required for the second unit. **Count 3:** In April of 2000, permits were obtained to add a bedroom and bath. This conversion was subsequently modified to add a second unit without benefit of building permits and required inspections. **Count 4:** A business tax receipt is required to rent the second unit. **Count 5:** Multiple dwelling units are not permitted in the single family district.

The Special Magistrate found Michael Pettry and Wanda J Weeks in violation. Costs of \$250 were imposed. Also imposed is a fine of \$250 per day, per count if compliance is not met by March 26, 2013. A compliance hearing will be held on March 27, 2013.

Case # 12-1428

Kevin Todd Williams Andrew Theede T/C 1717 South Street Sec. 62-2 Obstructions Sec. 26-126 Clearing of property of debris and noxious materials required Officer Peg Corbett POSTED: 12-27-2012 Initial Hearing: 1-30-2013

In compliance, request dismissal

Count 1: Palm trees and other plantings are on the city right of way without benefit of a permit. **Count 2:** There is a fish pond that is filled with algae. The property is severely overgrown and overgrowth onto the city right of way.

The Special Magistrate dismissed this case at the request of the Code Officer.

Case # 12-1454 Floyd Roloff 2601 S Roosevelt Blvd C324 Sec. 14-37 Building Permits; professional plan; display of permit Sec. 102-158 Stop work order and penalty Sec. 18-117 Acts declared unlawful Officer Peg Corbett

15

Certified Service: 2-7-2013 Initial Hearing: 2-27-2013

Continuance granted to March 27, 2013

Count 1: Received complaint on 2 October 2012 for remodeling this unit without the benefit of building permits. On 5-October 2012 a site visit with Dan McMahon (property manager) confirmed that electrical, plumbing and renovations had been done. A stop work order was posted. **Count 2:** On 24 October 2012, another site visit was conducted with the building inspector, myself and Dan McMahon. Additional work had been done after the stop work order was issued. **Count 3:** On 5 October 2012, Mr. Wigel (owner) and the property manager were notified that the handyman, Floyd doing the work was not licensed and could not continue the renovation work.

This case was continued to March 27, 2013.

| Case # 1 | 2-1590 |
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Margaret Makris, Rev. Tr. 303 Grinnell Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Peg Corbett Certified Service: 12-12-2012 Certified Service: 1-28-2013 Amended Notice Initial Hearing: 1-30-2013

In compliance, request dismissal

Count 1: A business tax receipt is required to rent this property.

The Special Magistrate dismissed this case at the request of the Code Officer.

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16

Case # 12-1762 Maor Kainan

Maor Kainan 1202 17th Terrace Sec. 58-61 Determination and levy of charge Sec. 90-363 Certificate of occupancy - required Sec. 14-37 Building permits; professional plans; display of permits Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Sec. 122-237 Prohibited uses Officer Peg Corbett Posted: 2-8-2013 Initial Hearing: 2-27-2013

Continuance granted to March 27, 2013

Count 1: A second unit has been added on the second floor of the main house. Utility accounts and impact fees need to be setup and paid in full. **Count 2:** A second unit has been added on the second floor of the main house for which there is no certificate of occupancy. **Count 3:** A second unit was added to the second floor of the main house without the benefit of building permits as required by City ordinance. **Count 4:** There is a tenant who currently resides in the upstairs unit. There is no business tax receipt to rent the second unit. **Count 5:** Multiples dwelling units are not permitted in a single family district.

This case was continued to March 27, 2013.

Case # 12-1793 Robert Schreiber 2308 Patterson Avenue Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Peg Corbett Certified Service: 1-24-2013 Initial Hearing: 2-27-2013

New Case

Count 1: Mr. Schreiber states he is the property manager for 2310 Patterson Avenue but he does not have a business tax receipt for subject business nor does he have a home occupational license with the city of Key West.

The Special Magistrate found Mr. Schreiber in violation. Costs of \$250 were imposed. Also imposed is a fine of 25% of the buisness tax receipt (\$98.70 X 25% = \$24.68). The total amount due to the City is \$274.68. A compliance hearing will be held on March 27, 2013.

Case # 13-41

Jean Bonheur 3126 Flagler Avenue Sec. 66-102 Dates due and delinquent; penalties Officer Peg Corbett Certified Service: 2-1-2013 Initial Hearing: 2-27-2013

In compliance, request dismissal

21

Count 1: The business tax receipt for JHB Backflow Master LLC is delinquent and needs to be brought up to date.

The Special Magistrate dismissed this case at the request of the Code Officer.

Case # 13-222

Cityview Trolley Tours of Key West, Inc. c/o Gregory Wythe, R/A Mallory Square Sec. 18-414 Prohibited in certain locations Officer Peg Corbett Certified Service: 2-20-2013 Initial Hearing: 2-27-2013

Repeat/Irreparable Violation Continuance granted to March 27, 2013

Count 1: On February 11, 2013 at approximately 12:30 pm, a female employee (Darlene Gilkison) of Cityview Trolley approached a couple who were exiting the cruise ship Ryndam to ask of they had trolley tickets. When the couple replied no, the employee then handed them a Cityview map and began a transaction where tickets were exchanged and they were direct to other Cityview staff who then sold them tickets.

This case was continued to March 27, 2013.

Case # 13-223

Cityview Trolley Tours of Key West, Inc. c/o Gregory Wythe, R/A Michael Thomas, P Tim Nechville Sec. 18-414 Prohibited in certain locations Officer Peg Corbett Certified Service: 2-20-2013 Initial Hearing: 2-27-2013

Repeat/Irreparable Violation Continuance granted to March 27, 2013

Count 1: On February 11, 2013 at approximately 12:20 pm a male employee (Tim Nechville) of Cityview Trolley approached an elderly couple who were exiting the cruise ship Ryndam and asked if they had trolley tickets. When the couple replied no, the employee then handed them a Cityview map and directed them to other Cityview staff who then sold them tickets. This case was continued to March 27, 2013.

| 22 | Case # 12-671 Cynthia A Grissom 1401 Sunset Drive Sec. 58-61 Determination and levy of charge Officer Leonardo Hernandez Certified Service: 5-5-2012 Initial Hearing: 5-23-2012 |
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| | Continued from January 30, 2013 for compliance |
| | Repeat Violation |
| | Count 1: Repeat violation of having two units when the City only recognizes one unit. |
| | The Special Magistrate approved the request for payment of the costs in 60 days. |
| 23 | Case # 12-822 Blanche M Stapleton Michael J McMahon R/S 28 Seaside South Court Sec. 66-87 Business tax receipt required Officer Leonardo Hernandez POSTED: 1-4-2013 Initial Hearing: 12-19-2012 |
| | Continued from January 30, 2013 |
| | Count 1: A business tax receipt is required to rent your property |
| | The Special Magistrate found Michael J McMahon and Blanche M Stapleton in violation. Costs of \$250 were imposed. Also imposed is a fine of 25% of the business tax receipt (\$19.95 X 25% = \$4.95). The total amount due to the City is \$254.99. A compliance hearing will be held on March 27, 2013. |
| 24 | Case # 12-1531 400 Duval Retail LLC Nrai Services, Inc. R/A Subway/Tom Thumb Food Stores I Sandra D Pceod McCarthy, R/A Preferred Signs, Inc. Howard Weber, R/A |

Mark Weber, Qualifier

422 Eaton Street Sec. 14-40 Permits in the historic district Sec. 14-37 Building permit; professional plans; display of permits Officer Barbara Meizis Certified Service: 12-14-2012 Initial Hearing: 1-30-2013

Continued from January 30, 2013

Count 1: For working over the scope of HARC by installing a sign over the sidewalk at least three feet from the building that was permitted to be installed flush to the building over the door. For installing a lighting fixture below the sign without HARC approval. **Count 2:** For working over the scope of the building permit by installing a sign over the sidewalk at least three feet from the building that was permitted to be installed flush to the building over the door. For installing a lighting fixture below the sign without a building permit.

The Special Magistrate found Tom Thumb Food Stores, Inc. in violation. Costs of \$250.00 were imposed.

Case # 12-1613

Orlando Alvarido 1010 Whitehead Street Sec. 14-37 Building permits; professional plans; display of permits Sec. 14-40 Permits in the historic district Officer Barbara Meizis Posted: 2-3-2013 Initial Hearing: 2-27-2013

New Case

Count 1: A building permit is required prior to the construction of a new roof. **Count 2:** A certificate of appropriateness is required prior to the construction of a new roof.

This case was continued to March 27, 2013.

Case # 12-1159

Daniel Soldano 617 Angela Street Sec. 14-256 Electrical permit required Sec. 14-262 Request for inspection Officer Barbara Meizis Posted: 2-3-2013 Initial Hearing: 2-27-2013

New Case

Continuance denied

Count 1: Temporary electric pole shall be disconnected and permanent connection from house to main pole shall be installed. **Count 2:** Electrical inspection is required.

The Special Magistrate was presented with a Settlement Agreement which he approved. 1.Respondents understand that the maximum penalties provided by law which may be imposed upon a finding of a continuing violation which has not achieved compliance within the time frame allowed by the Code Compliance Special Magistrate is \$250.00 per day, per charge until the violation(s) are found to be in compliance. 2.Respondents understand Administrative costs in the amount of \$250.00 incurred by the City of Key West for the investigation or prosecution of this violation will be waived in exchange for the payment of the outstanding utilities as described herein, and the Fines and Costs could result in judgment enforcement and/or liens against Respondent and any qualified properties in Monroe County. 3.The parties stipulate to a factual basis for this agreement and agree to a finding of violation by the Special Magistrate for violations of the Key West Code of Ordinances listed in paragraph two.

4. The Respondent and the Petitioner, City of Key West, enter into the following settlement agreement, to be presented to the Code Compliance Special Magistrate for acceptance: If Respondent is found in violation of Section 14-256 and Section 14-262 again in the future, Respondent understands that the violation(s) will be considered as repeat. The Respondent agrees to the payment of the overdue utilities owed to the City in the amount of Two Thousand One Hundred and Fifty Eight Dollars and Ninety One Cents (\$2,158.91) to be paid within 30 days of the Special Magistrate's signature below. The Respondent also agrees to a suspended fine of Five Hundred Dollars (\$500.00). The suspension period shall be for 24 months from the date of the Special Magistrate's signature below. If Respondent is found in violation of this or similar violations again within 24 months of the Magistrate's signature below, or if the Respondent is otherwise found to be in violation of this agreement by a judge of competent jurisdiction, the Respondent understands that the Five Hundred Dollar (\$500.00) suspended fine will be imposed in addition to any new fines. If Respondent is found in violation of Sections 14-256 and 14-262 of the City of Key West code of ordinances again in the future, Respondent understands that the violation(s) will be considered as repeat punishable by up to \$500.00 per day, per count. The Respondent agrees to immediately cease and desist activities described herein in paragraph two (2) at this or any other property in the City of Key West.

Case # 13-7

Mary Ann Matter 840 Olivia Street Sec. 26-126 Clearing of property of debris and noxious material required Officer Barbara Meizis Certified Service: 2-20-2013 Initial Hearing: 2-27-2013

In compliance, request dismissal

Count 1: The debris pile needs to be removed.

The Special Magistrate dismissed this case at the request of the Code Officer.

29

Case # 12-1820 Living Dolls Inc. Glenn Tanner Herschell Major Bianco Digennaro 516 Fleming Street Sec. 114-103 Prohibited signs Sec. 70-116 Prohibited parking Officer Jim Young Certified Service: 1-12-2013 Initial Hearing: 1-30-2013

Continued from January 30, 2013

Count 1: On 11 Dec 12, 17 Dec 12, 18 Dec 12, 19 Dec 12, 10 Jan 13 at ~ 12:46 am and 10 Jan 13 at ~ 1:04 am I observed a 1995 Chevrolet pick-up truck parked at the subject property with a prohibited portable sign attached to the rear bed. **Count 2:** No person shall park a vehicle upon any city street for the purpose of displaying advertising.

This case was continued to March 27, 2013.

Case # 13-55

Kenneth (Kenyatta) Arrington 400 Duval Street Sec. 66-87 Business tax receipt required for all holding themselves out to be engaged in business Officer Jim Young Hand Served: 1-9-2013 Initial Hearing: 1-30-2013

Continued from January 30, 2013 Irreparable Violation

Count 1: On January 9, 2013, Mr. Arrington was performing on private property without a business tax receipt. Subject was soliciting money for his performance.

The Special Magistrate found Mr. Arrington in violation. Costs of \$250 were imposed. Also imposed is a fine of \$100 per day if compliance is not met by March 26, 2013. A compliance hearing will be held on March 27, 2013.

Case # 13-57

Yuliya Andrews The Adult Entertainment Club Albert L Kelley, R/A 200 Block of Duval Street Sec. 18-415 (b) (1) a. Restrictions in the Historic District Sec. 18-441 Required Officer Jim Young Certified Service: 1-14-2013 - Albert Kelley Certified Service: 1-14-2013 - Yuliya Andrews Initial Hearing: 1-30-2013

Continuance granted to April 24, 2013 Repeat/Irreparable

Count 1: On January 10, 2013 at approximately 1:33 am, Anthony B Huggins was soliciting customers for the Adult Entertainment Club at 210 Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

This case was continued to April 24, 2013.

Case # 13-59 Living Dolls Glenn Tanner Chelsea Lawson 300 Block of Duval Sec. 18-415 (b) (1) a. Restrictions in the Historic District Sec. 18-441 Required Officer Jim Young Certified Service: Hand Serve: 1-10-2013 Chelsea Lawson Certified Service: 1-12-2013 Initial Hearing: 1-30-2013

Continued from January 30, 2013

Count 1: On January 10, 2013 at approximately 1:45 am, Chelsea Lawson was soliciting customers for Living Dolls at 300 Block Duval Street which is a prohibited area. **Count 2:** An Off-Premises Canvassing permit is required to engage in off-premises canvassing.

This case was continued to March 27, 2013.

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Case # 13-185 KWSC, Inc. d/b/a Adult Entertainment Club c/o Albert L Kelley, R/A Yuliya Andrews, Owner 300 Block of Duval Street Sec. 18-411 Title Sec. 18-415 Restrictions in the historic district Officer Jim Young Certified Service: 2-8-2013 - R/A Certified Service: 2-9-2013 - Owner Initial Hearing: 2-27-2013

Repeat/Irreparable Violation

Continuance granted to April 24, 2013

Count 1: This article shall be known as the off-premises canvassing ordinance. **Count 2:** On January 10, 2013 at approximately 1:30 am, Neile Bassi Favreau was soliciting customers for the Adult Entertainment Club in the 300 block of Duval Street which is a prohibited area.

This case was continued to April 24, 2013.

Liens

| 33 | Case # 10-1425 Dr. Richard Walker 2407 N Roosevelt Blvd Certified Service: 2-13-2013 |
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| | Continuance granted to March 27, 2013 |
| | This case was continued to March 27, 2013. |
| 34 | Case # 11-1129 Julio N Castro-Rivas Yvonnie G Ametin 3229 Flagler Avenue 203 Posted: 2-13-2013 |
| | The Special Magistrate approved the filing of the lien. |

Adjournment