

STATE OF FLORIDA)
)
COUNTY OF INDIAN RIVER)

NOTICE OF LIEN FOR ENVIRONMENTAL FINE

NOTICE is hereby given that the Indian River County Environmental Control Hearing Board has ordered payment by Gifford Gardens, LLC, of a civil penalty of Five Thousand Dollars (\$5,000.00), plus an additional daily penalty accruing at a rate of One Hundred Dollars (\$100.00) per day commencing November 2, 2009, and continuing until compliance is achieved. Pursuant to Chapter 85-427, Special Acts, Laws of Florida, this lien is hereby filed and recorded in the official records of the Office of the Clerk of the Circuit Court of Indian River County, Florida, in the above stated amounts, as imposed by the Indian River County Environmental Control Hearing Board Order entered in Case No. 465-09, dated December 8, 2009, which is made a part hereof and incorporated herein as Exhibit "I". Indian River County, whose address is Indian River County, c/o Board of County Commissioners, Administration Building, 1801 27th Street, Building A, Vero Beach, FL 32960, claims a lien on any and all property owned by Gifford Gardens, LLC including but not limited to the following:

Lots 2, 3, 4, 5, 19, 32, 33, 34, and 35 of Lincoln Park Estates Subdivision, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and

The West 20 feet of the East 80 feet of Lot 1 of Lincoln Park Estates, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and

The East 40 feet of Lot 1 of Lincoln Park Estates, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and

From the Southwest corner of the Southeast ¼ of Section 22, Township 32 South, Range 39 East, run east along the section line a distance of 418.95'; then on a deflection angle to the left of 91°28', run 980.23' to the Point of Beginning. Thence run North 54.98', thence on a deflection angle to the left of 102°59' run 195.95', thence run South a distance of 43.00', thence run Northeasterly a distance of 193.60' to the Point of Beginning. Said land lying and being in Indian River County, Florida, and

Lot 2, Block 1 of GIFFORD SCHOOL PARK EXTENSION, according to the Plat thereof as recorded in Plat Book 3, Page(s) 80, of the Public Records of Indian River County, Florida, and

Lots 3 and 4, Block 8 of Spruce Park, according to the Plat thereof as recorded in Plat Book 1, Page(s) 80, of the Public Records of Indian River County, Florida, and

Lot 6, Block 2 of UNIT 1 CARVER COLONY SUB'D, according to the Plat thereof as recorded in Plat Book 4, Page(s) 87, of the Public Records of Indian River County, Florida, and

Beginning at the Northwest corner of Lot 20, CANNON SUBDIVISION, according to the plat filed in the office of the Clerk of the Circuit Court in and for Indian River County, Florida, in Plat Book 2, Page 77, go East along the North line of said Lot 20 for 155 feet, thence due South 44 feet, thence West Parallel with the North line of said Lot 20 for 155 feet, thence North along the West line of said Lot 20 for 44 feet to the Point of Beginning.

DATED THIS 8th day of January 2010.

Indian River County, a political subdivision of the State of Florida

BY: [Signature]
SUZANNE H. VITUNAC, ATTORNEY
for Environmental Control Officer

The foregoing instrument was acknowledged before me this 8th day of January, 2010, by Suzanne Vitunac who is personally known to me and who did not take an oath.

[Signature]
Notary Public State of Florida at large
My Commission Expires:

Aug. 25, 2012

This instrument was prepared by:
SUZANNE H. VITUNAC, ATTORNEY for
Indian River County Environmental Control Officer
1900 - 27th Street, 2nd Floor
Vero Beach, FL 32960
Tel: (772) 794-7440
Florida Bar # 181352



INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH -
INDIAN RIVER COUNTY HEALTH
DEPARTMENT AND INDIAN RIVER
COUNTY ENVIRONMENTAL CONTROL
OFFICER

Petitioners

vs.

GIFFORD GARDENS, LLC

Respondent

Exhibit "1"

CASE NO. 465-09

ORDER

This matter came up for hearing before the Indian River County Environmental Control Board on December 3, 2009, pursuant to an Order dated October 5, 2009, entered in this cause.

Respondent GIFFORD GARDENS, LLC had been provided with notice of the hearing, but was not present or represented. The Hearing Board, having heard testimony and argument, and being duly advised in the premises, HEREBY finds as follows: Respondent has failed to comply with any of the requirements set out in this Board's October 5, 2009, Order. Specifically, Respondent has not secured any permits for demolition or repairs of the subject structure, nor has Respondent completed such activities. Further, Respondent has not paid the One thousand dollar (\$1,000.00) civil penalty set out in paragraph 1 of said Order. Respondent has therefore failed to purge the suspended civil penalty of Five Thousand Dollars (\$5,000.00), set out in paragraph 2 of the October 5, 2009, Order. It is therefore ORDERED as follows:

1. The additional Five Thousand Dollar (\$5,000.00) civil penalty set out in paragraph 2 of the October 5, 2009, Order, is hereby determined to be due and payable. Payment shall be made payable to Indian River County and delivered to Environmental Health, Indian River County Health Department, 1900 27th Street, 2nd Floor, Vero Beach, FL 32960, on or before December 21, 2009.
2. In accordance with paragraph 4 of the October 5, 2009, Order, the additional daily civil penalty of One Hundred Dollars (\$100.00) per day shall commence November 2, 2009, and continue to accrue until compliance is achieved.
3. It is the intention of this Board that all civil penalties levied in this case shall be filed as liens against property of the Respondent, as set out in Chapter 85-427, Special Acts, Laws of Florida.
4. The Hearing Board retains jurisdiction to enter such further Orders as may be necessary.

DONE AND ORDERED this 8 day of Dec, 2009.

DEC 08 2009



Chairman

Filed: _____
Secretary to Indian River County Environmental Control Hearing Board
Date _____

Copies furnished to: Suzanne H. Vitunac, Attorney
Joshua Perez
Gifford Gardens, LLC