

2121967 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN RIVER CO FL, BK: 2479 PG: 2166, 02/22/2011 02:56 PM

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 OneThousand, Five Hundred Dollars (\$1,500.00), plus a daily penalty of One Hundred Dollars (\$100.00) per day 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 amount of OneThousand, Five Hundred Dollars (\$1,500.00), plus a daily penalty of One Hundred Dollars (\$100.00) per day until compliance is achieved, which was imposed by the Indian River County Environmental Control Hearing Board Order entered in Case No. 482-10 dated December 3, 2010, and filed December 6, 2010, 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

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.

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DATED THIS 22nd day of Feb. , 2011.

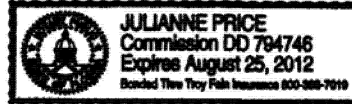
Indian River County, a political subdivision
of the State of Florida

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

The foregoing instrument was acknowledged before me this 22nd day of Feb. , 2011, 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:

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



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INDIAN RIVER COUNTY ENVIRONMENTAL CONTROL HEARING BOARD VERO BEACH, FLORIDA

Exhibit 1 (p.1 of 2)

DEPARTMENT OF HEALTH - Petitioners vs. GIFFORD GARDENS, LLC Respondent

CASE NO. 482-10

ORDER

This matter came up for hearing before the Indian River County Environmental Control Board on December 2, 2010, pursuant to a Notice of Non-Compliance filed on November 8, 2010, as well as on Petitioners' Motion to Amend filed November 18, 2010. Respondent GIFFORD GARDENS, LLC had been properly served with Notice of the Hearing. Respondent GIFFORD GARDENS, LLC was not represented at the hearing, and the entry of a default is appropriate under the Board's Bylaws. Petitioners' Motion to Amend is granted, and the Hearing Board, having heard testimony and argument, and being duly advised in the premises, HEREBY makes the following findings:

A. At all times pertinent to this matter, Respondent owned and controlled property at 3061 44th Rd., Vero Beach, Florida, which property is in Indian River County, Florida, and which property is legally described as follows: Lots 34 and 35 of LINCOLN PARK ESTATES SUBDIVISION, according to the Plat thereof as recorded in Plat Book 2, Page 88, of the Public Records of Indian River County, Florida.

B. During a period beginning on or before October 13, 2010, and continuing to the present, the subject property has been the site of an abandoned and dilapidated home, which is in a state of extreme disrepair and is opened to the elements. The structure has created a harborage for rodents and has been entered and used by transient persons. There are large accumulations of garbage, trash and debris on the property.

C. During a period beginning on or before October 13, 2010, and continuing to the present, there has been no water or sewerage service to the structure on the subject property.

D. Due to conditions set out above, the property is creating and has created a sanitary nuisance injurious to public health, in violation of Chapter 386, Florida Statutes.

E. The violations described above constitute Violations Resulting in a Public Health Threat.

F. Proper Notice to Correct Violation was issued to Respondent for the above violations.

G. Respondent failed to comply with the Notice to Correct Violation.

It is therefore ORDERED as follows:

1. A civil penalty of One thousand five hundred dollars (\$1,500.00) is hereby levied for the violations set out above. Such civil penalty is due and payable and shall be made by payment

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delivered to Environmental Health, Indian River County Health Department, 1900 27th Street, 2nd Floor, Vero Beach, FL 32960, on or before December 21, 2010. Payment shall be made payable to Indian River County.


2. On or before December 18, 2010, Respondent Gifford Gardens, LLC shall remove all accumulations of garbage, trash, and debris from the property at 3061 44th Rd., Vero Beach, Florida, and properly board up the structure on the subject property and properly maintain same so as to make the structure inaccessible to humans or rodents. In the alternative, Respondent may on or before December 18, 2010, secure all required permits and complete either the demolition or adequate repair of the subject structure pursuant to and in accordance with those permits, and shall remove all accumulations of garbage, trash, and debris from the subject property.

3. An additional civil penalty of One Hundred Dollars (\$100.00) per day shall be imposed for each day of any non-compliance with the requirements of Paragraph 2 above.

4. The Hearing Board retains jurisdiction in this cause to enter such further Orders as may be appropriate.

5. This matter may be set up for further hearing by either side, upon providing reasonable notice of hearing to the other parties.

DONE AND ORDERED this 3rd day of December, 2010.


Chairman

Filed: 15/12/6/10 Date
Secretary to Indian River
County Environmental Control
Hearing Board

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