



Office of

Attorney's Matters 11/8/2022

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
Susan J. Prado, Assistant county Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Susan Prado, Assistant County Attorney

DATE: November 2, 2022

SUBJECT: Authorization to proceed with foreclosure on Code enforcement cases: 2019110025 and 2020050067 (560 Stoney Brook Farm Ct.) (Suncor Ft. Pierce, LLC)

Pursuant to Florida Statute Section 162.09, the Code Enforcement Board must give the recommendation to start the foreclosure process. This recommendation was given at the last Code Enforcement Board hearing on October 24, 2022. Staff is now seeking this Board's final approval to move forward with filing foreclosure proceedings on the below listed properties and with working with outside counsel, Dill, Evans and Rhodeback.

Case Number 2019110025 (560 Stoney Brook Farm Ct.) (Suncor Ft. Pierce, LLC):
This code enforcement action started in 2019 with a complaint regarding overgrown weeds, swimming pool maintenance, and swimming pool enclosure violations. This was a repeat violation from a prior case in 2018 for which there is not a lien on the property as the property was brought into compliance. There was an evidentiary hearing on November 25, 2019 at which time the respondent was found in violation of the Indian River County Code of Ordinances (the "IRC Code"). The respondent was given until December 2, 2019 to correct the violations. At a compliance hearing held on January 27, 2020, the Code Enforcement Board determined that the respondent did not bring the property into compliance and issued an order for a fine in the amount of \$100.00 per day. The order is recorded at O.R. Book 3278, Page 515 of the Public Records of Indian River County.

Case Number 2020050067 (560 Stoney Brook Farm Ct.) (Suncor Ft. Pierce, LLC):
This code enforcement action started in May 2020 with a complaint for pool safety barrier,

expired pool and fuel gas permit, and expired residential building permit. There was an evidentiary hearing on June 22, 2020 at which time the respondent was found in violation of IRC Code. The respondent was given a time frame to correct. At a compliance hearing held on July 27, 2020, the Code Enforcement Board determined that the respondent did not bring the property into compliance and issued an order for a fine in the amount of \$100.00 per day. The order is recorded at O.R. Book 3331, Page 225 of the Public Records of Indian River County.

Funding: Staff estimates outside counsel, filing fees, and costs for the foreclosures detailed above could cost approximately \$7,000 and will be paid out of MSTU/Environmental Planning/Legals Services, Account #00420724-033110. This funding will be offset by any revenues received through the foreclosure process, after previous costs are recovered.

Recommendation: Staff recommends the Board authorize staff to move forward with outside counsel in the filing of foreclosure on the above named code enforcement cases.

Attachments: Orders imposing fines for case numbers 2019110025 and 2020050067.
Deed for case numbers 2019110025 and 2020050067.