

2041466 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN RIVER CO FL, BK: 2393 PG: 1716, 01/14/2010 11:14 AM

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 One Thousand Dollars (\$1,000.00). 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 One Thousand Dollars (\$1,000.00), which amount was imposed by the Indian River County Environmental Control Hearing Board Order entered in Case No. 470-09 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.

BK: 2393 PG: 1717

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

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

Notary Public State of Florida at large
My Commission Expires: Aug. 15, 2012
Julianne Price



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" (p. 1 of 2)

CASE NO. 470-09

ORDER

This matter came up for hearing before the Indian River County Environmental Control Board on December 3, 2009, pursuant to a Notice of Non-Compliance filed on November 2, 2009. Respondent GIFFORD GARDENS, LLC had been properly served with Notice of the Hearing on November 19, 2009. Respondent GIFFORD GARDENS, LLC was not represented at the hearing, and the entry of a default is appropriate under the Board's Bylaws. The Hearing Board, having heard testimony and argument, and being duly advised in the premises, HEREBY makes the following findings:

- I. At all times pertinent to this matter, Respondent owned and controlled property at 4465 31st Avenue, Vero Beach, Florida, which property is in Indian River County, Florida, and which property is legally described as follows: Lot 4 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.
- II. During a period beginning on or before September 11, 2009, and continuing to the present, the structure on subject property has been occupied and used for residential rental or rooming house purposes.
- III. During a period beginning on or before September 11, 2009, and continuing to the present, the structure on the subject property has been in a state of severe disrepair and has been opened to the elements, creating a harborage for rodents.
- IV. During a period beginning on or before September 11, 2009, and continuing to the present, there has been no electricity to the structure on the subject property.
- V. 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.
- VI. The violations described above constitute Violations Resulting in a Public Health Threat.

It is therefore ORDERED as follows:

- 1. A civil penalty of One thousand dollars (\$1,000.00) is hereby levied for the violations set out above. Such civil penalty is due and payable and shall be made by payment delivered to Environmental Health, Indian River County Health Department, 1900 27th Street, 2nd Floor, Vero Beach, FL 32960, on or before December 21, 2009. Payment shall be made payable to Indian River County.

