



Office of

Attorney's Matters 6/14/2022

**INDIAN RIVER COUNTY
ATTORNEY**

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

MEMORANDUM

TO: Board of County Commissioners

FROM: Susan Prado, Assistant County Attorney

DATE: May 31, 2022

SUBJECT: Authorization to proceed with foreclosure on Code enforcement cases: 2016080073 (99th Street) (Almanza, Elias & Angel) and 201712011 (89th Street) (Almanza, Pablo)

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 May 23, 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 2016080073 (13498 99th Street, Fellsmere, FL 32948) (Almanza, Elias & Angel): This code enforcement action started in 2016 with a complaint regarding junk vehicles, junk, trash, and debris. There was an evidentiary hearing on September 26, 2016 at which time the respondent was found in violation of the Indian River County Code of Ordinances (the "IRC Code"). The respondent was given a time frame to correct and two continuances. At a compliance hearing held on February 27, 2017, 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 3009 and Page 649. The property was owned by Elias Almanza at the time of the violation and was subsequently transferred to Angel Almanza on July 24, 2018. The property was never brought into compliance and the fine continues to accrue.

Case Number 2017120119 (12865 89th Street, Fellsmere, FL 32948) (Almanza, Pablo): This code enforcement action started in 2017 with a complaint regarding, junk vehicles, junk, trash, and debris, and a storage structure without a required building permit. There was an evidentiary hearing on February 26, 2018 at which time the respondent was found in violation of IRC Code. The respondent was given a time frame to correct and one continuance. At a compliance hearing held on June 20, 2018, 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 3126 and Page 2329. The property was owned by Elias Almanza at the time of the violation and was subsequently transferred to Pablo Almanza on September 17, 2020. The property was never brought into compliance and the fine continues to accrue.

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. Funding for these services will be made available from a subsequent budget amendment funded by MSTU Fund Reserves. 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: Order imposing fine for case number 2016080073
Order imposing fine for case number 2017120119
Deed for case number 2016080073
Deed for case number 2017120119