



Office of

Consent Agenda 11/08/2022

**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

THROUGH: Scott Mc Adam, Building Official

FROM: William K. DeBaal, Deputy County Attorney

DATE: October 31, 2022

SUBJECT: Release of Lien and Certificate of Building Official on Lot 3, Block 5 Spruce Park Subdivision

Viola Haynes Sloane owned Lot 3 Block 5 of the Spruce Park Subdivision. In 1985, she sold the north 12 feet of Lot 3 to Elijah Griff aka Elijah McGriff, the owner of Lot 2, Block 5, Spruce Park Subdivision. Mr. McGriff failed to pay the taxes on Lot 2 and the 12' slice of Lot 3, so a Tax Certificate was issued for the property in 1995. The property went on the List of Lands available for back taxes in 1998. After spending seven years on the List of Lands Available, the property escheated to the County in 2005.

In 1997 a Certificate of Building Official was recorded against Lot 3, Block 5 of the Spruce Park Subdivision and a 1998 Lien for Demolition of a dilapidated structure in the amount of \$3,859.29 was then recorded against Lot 3. These two documents were erroneously recorded against Lot 3 when they should have been recorded against Lot 2 that was owned by Mr. McGriff. Staff researched the Building Department records which confirmed the structure that was demolished by the County was on Lot 2. In summary, the correct dilapidated structure was removed but the lien was placed on the wrong lot.

The County Attorney's Office was recently contacted by a title insurance company about these two recorded documents. The title company advised there was a sale pending on Lot 3. The physical address to the property is 4256 25th Avenue, Vero Beach, FL. An aerial photo of Lots 2 and 3 is included on the following page of this memorandum.



Figure 1. Lot 3 highlighted.

In order to clear title to Lot 3, the erroneously recorded Lien and Certificate of Building Official must be released. Staff has prepared the attached Release of Lien and Certificate of Building Official and once the Release is signed and recorded in the Public Records of Indian River County, it will clear title to Lot 3 and the title company can proceed with the closing. Since Mr. McGriff no longer owns Lot 2 and the lien is over 20 years old, it cannot be rerecorded against Lot 2.

Funding: There is a cost of \$10.00 for recording the Release in this matter, available from Building Department, Other Professional Services, Account #44123324-033190

Recommendation: Staff recommends the Board approve the attached Release of Lien and Certificate of Building Official and authorize the Chairman to execute the Release on behalf of the Board.

Attachments: Release of Lien and Certificate of Building Official