



Office of

Attorney's Matters 2/7/2023

**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: January 27, 2023

SUBJECT: Authorization to proceed with foreclosures on Code enforcement cases: 2014050077 (Collins) and 2021090105 (Paige)

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 January 23, 2023. 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 2014050077 (Collins): This code enforcement action started in 2014 with a complaint regarding an unmaintained swimming pool. There was an evidentiary hearing on June 23, 2014 at which time the respondents (Margarete and Patrick Collins in care of Scott Collins POA.) were found in violation of the Indian River County Code of Ordinances (the "IRC Code"). The respondents were given a time frame to correct the violations that were found. At a compliance hearing held on July 28, 2014, the Code Enforcement Board determined that the respondents did not bring the property into compliance and issued an order for a fine in the amount of \$100.00 per day for overgrown weeds and an unmaintained swimming pool violation. The order is recorded at O.R. Book 2782 and Page 693. The property was never brought into compliance and currently has a squatter residing in the property.

Case Number 2021090105 (Paige): This code enforcement action started in 2021 with a complaint regarding junk, trash, and debris. There was an evidentiary hearing on November 22, 2021 at which time the respondents (James and Jeanne Paige [Estate of]) were found in violation of the IRC Code. The respondents were given a time frame to correct. At a compliance hearing held on January 24, 2022, the Code Enforcement Board determined that the respondents did not bring the property into compliance and issued

an order for a fine in the amount of \$100.00 per day for overgrown grass and weeds, junk trash, and debris, as well as unmaintained and unsecured swimming pool. The order is recorded at O.R. Book 3513 and Page 2413. The property was never brought into compliance.

Funding: Staff estimates outside counsel, filing fees, and costs for the foreclosures detailed above could cost approximately \$7,000. Funding for these expenses are available in the MSTU Fund /Env. Planning/Legal Services, Account # 00420724-033110. This funding will be offset by any revenues received through the foreclosure process.

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 and Deeds case numbers 2014050077 and 2021090105