



Office of

Attorney's Matters 11/5/2024

**INDIAN RIVER COUNTY
ATTORNEY**

Jennifer W. Shuler, County Attorney
Susan J. Prado, Deputy County Attorney
Christopher A. Hicks, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

Through: John A. Titkanich, Jr., ICMA-CM, AICP
County Administrator

FROM: Susan Prado, Deputy County Attorney

DATE: October 21, 2024

SUBJECT: Authorization to proceed with foreclosure on Code enforcement
case: (2009070001) Hicks

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 September 23, 2024, Code Enforcement Board hearing on the below listed property. Staff is now seeking this Board's final approval to move forward with filing foreclosure proceedings on the below listed property working with outside counsel, Dill, Evans and Rhodeback.

Case Number (2009070001) Hicks: This code enforcement action started in 2009 with a complaint regarding weeds in excess of 12 inches. There was an evidentiary hearing on September 28, 2009, 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 the violations. At a compliance hearing held on November 23, 2009, 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 2390 and Page 273. 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 requests the Board's opinion whether or not to move forward with outside counsel in the filing of foreclosure on the above-named code enforcement cases.

Attachments: Order Imposing Fine and Deed for case number: (2009070001) Hicks.