



Office of

Attorney's Matters 3/15/2022

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
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MEMORANDUM

TO: Board of County Commissioners

FROM: Susan Prado, Assistant County Attorney

DATE: March 9, 2022

SUBJECT: Authorization to proceed with foreclosure on Code enforcement case: 2018020108 (Yates)

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 February 28, 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 2018020108 (Yates): This code enforcement action started in 2018 with a complaint regarding a septic system in disrepair as well as unsecured vacant structures. There was an evidentiary hearing on March 26, 2018 at which time the respondents (Estate of Dallas and Jane Yates C/O Dallasteen Yates) were found in violation of the Indian River County Code of Ordinances (the "IRC Code"). The respondents were given a time frame to correct. At a compliance hearing held on April 23, 2018, 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. The order is recorded at O.R. Book 3117 and Page 2458. The property was never brought into compliance and in fact one of the unsecured structures had a fire and has been left in the half burned down state.

On March 8, 2022, the Indian River County Board of County Commissioners deferred taking action on the matter, and requested County staff provide an update on the status of the Code Enforcement matters at the March 15, 2022 meeting.

Funding: Staff estimates outside counsel, filing fees, and costs for the foreclosures detailed above could cost approximately \$7,000. 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 to clean-up the property 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 case.

Attachments: Order finding violation and lien for case number 2018020108