

2058894 RECORDED IN THE RECORDS OF JEFFREY K BARTON, CLERK CIRCUIT COURT INDIAN RIVER CO FL, BK: 2412 PG: 422, 04/13/2010 02:34 PM

STATE OF FLORIDA )  
 )  
COUNTY OF INDIAN RIVER )

NOTICE OF LIEN FOR ENVIRONMENTAL FINE

NOTICE is hereby given that the Indian River County Environmental Control Hearing Board has ordered payment by Gifford Gardens, LLC, of a civil penalty of Eight Thousand, One Hundred Dollars (\$8,100.00). Pursuant to Chapter 85-427, Special Acts, Laws of Florida, this lien is hereby filed and recorded in the official records of the Office of the Clerk of the Circuit Court of Indian River County, Florida, in the amount of Eight Thousand, One Hundred Dollars (\$8,100.00), which amount was imposed by the Indian River County Environmental Control Hearing Board Order entered in Case No. 470-09 dated February 22, 2010, which is made a part hereof and incorporated herein as Exhibit "I". Indian River County, whose address is Indian River County, c/o Board of County Commissioners, Administration Building, 1801 27<sup>th</sup> Street, Building A, Vero Beach, FL 32960, claims a lien on any and all property owned by Gifford Gardens, LLC including but not limited to the following:

- Lots 2, 3, 4, 5, 19, 32, 33, 34, and 35 of Lincoln Park Estates Subdivision, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and
- The West 20 feet of the East 80 feet of Lot 1 of Lincoln Park Estates, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and
- The East 40 feet of Lot 1 of Lincoln Park Estates, according to the Plat thereof as recorded in Plat Book 2, Page(s) 88, of the Public Records of Indian River County, Florida, and
- From the Southwest corner of the Southeast ¼ of Section 22, Township 32 South, Range 39 East, run east along the section line a distance of 418.95'; then on a deflection angle to the left of 91°28', run 980.23' to the Point of Beginning. Thence run North 54.98', thence on a deflection angle to the left of 102°59' run 195.95', thence run South a distance of 43.00', thence run Northeasterly a distance of 193.60' to the Point of Beginning. Said land lying and being in Indian River County, Florida, and
- Lot 2, Block 1 of GIFFORD SCHOOL PARK EXTENSION, according to the Plat thereof as recorded in Plat Book 3, Page(s) 80, of the Public Records of Indian River County, Florida, and
- Lots 3 and 4, Block 8 of Spruce Park, according to the Plat thereof as recorded in Plat Book 1, Page(s) 80, of the Public Records of Indian River County, Florida, and
- Lot 6, Block 2 of UNIT 1 CARVER COLONY SUB'D, according to the Plat thereof as recorded in Plat Book 4, Page(s) 87, of the Public Records of Indian River County, Florida, and
- Beginning at the Northwest corner of Lot 20, CANNON SUBDIVISION, according to the plat filed in the office of the Clerk of the Circuit Court in and for Indian River County, Florida, in Plat Book 2, Page 77, go East along the North line of said Lot 20 for 155 feet, thence due South 44 feet, thence West Parallel with the North line of said Lot 20 for 155 feet, thence North along the West line of said Lot 20 for 44 feet to the Point of Beginning.

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DATED THIS *9<sup>th</sup>* day of *April*, 2010.

Indian River County, a political subdivision of the State of Florida

BY: *[Signature]*  
SUZANNE H. VITUNAC, ATTORNEY  
for Environmental Control Officer

The foregoing instrument was acknowledged before me this *9<sup>th</sup>* day of *April*, 2010, by \_\_\_\_\_ who is personally known to me and who did not take an oath.

Notary Public State of Florida at large  
My Commission Expires:

This instrument was prepared by:  
SUZANNE H. VITUNAC, ATTORNEY for  
Indian River County Environmental Control Officer  
1900 - 27th Street, 2<sup>nd</sup> Floor  
Vero Beach, FL 32960  
Tel: (772) 794-7440  
Florida Bar # 181352

*[Signature]*  
NANCY R. GALUPPO



NANCY R. GALUPPO  
Commission DD 667691  
Expires June 28, 2011  
Send or This Tray File Number 020-005,2010

INDIAN RIVER COUNTY ENVIRONMENTAL CONTROL HEARING BOARD VERO BEACH, FLORIDA

DEPARTMENT OF HEALTH - )
INDIAN RIVER COUNTY HEALTH )
DEPARTMENT AND INDIAN RIVER )
COUNTY ENVIRONMENTAL CONTROL )
OFFICER )
Petitioners )
vs. ) CASE NO. 470-09
GIFFORD GARDENS, LLC )
Respondent )

ORDER

This matter came up for hearing before the Indian River County Environmental Control Board on February 11, 2010, pursuant to an Order dated December 8, 2009, entered in this cause. Respondent GIFFORD GARDENS, LLC had been provided with notice of the hearing, but was not present or represented. The Hearing Board, having heard testimony and argument, and being duly advised in the premises, HEREBY finds as follows: On January 21, 2010, Respondent removed all accumulations of garbage, trash, and debris from the property and properly boarded up all structures on the subject property. Because Respondent failed to meet the December 21, 2009 compliance date for this action, Respondent failed to purge the suspended civil penalty of Five Thousand Dollars (\$5,000.00), set out in paragraph 2 of the December 8, 2009, Order. It is therefore ORDERED as follows:

- 1. The additional Five Thousand Dollar (\$5,000.00) civil penalty set out in paragraph 2 of the December 8, 2009, Order, is hereby determined to be due and payable. Payment shall be made payable to Indian River County and delivered to Environmental Health, Indian River County Health Department, 1900 27th Street, 2nd Floor, Vero Beach, FL 32960, on or before February 28, 2010.
2. In accordance with paragraph 4 of the December 8, 2009, Order, the additional daily civil penalty of One Hundred Dollars (\$100.00) per day is hereby established at a fine certain amount of Three Thousand One Hundred Dollars (\$3,100.00), based on a total of 31 days of non-compliance. This Three Thousand One Hundred Dollars (\$3,100.00), civil penalty is hereby due and payable. Payment shall be made payable to Indian River County and delivered to Environmental Health, Indian River County Health Department, 1900 27th Street, 2nd Floor, Vero Beach, FL 32960, on or before February 28, 2010. Respondent remains ordered to maintain the subject property in compliance with the December 8, 2009, Order; Respondent remains subject to further civil penalties should Respondent fail to comply.
3. The above penalties are in addition to the One Thousand Dollar (\$1,000.00) penalty previously levied in this case, and It is the Board's intention that these penalties be filed as liens, as set out in Chapter 85-427, Special Acts, Laws of Florida.
4. The Hearing Board retains jurisdiction to enter such further Orders as may be necessary.
5. This matter may be set up for further hearing by either side upon providing reasonable notice of hearing to the other parties.

DONE AND ORDERED this 22nd day of February 2010.

[Signature] Steve Snoberger, Chairman

Filed: FEB 23 2010 Secretary to Indian River County Environmental Control Hearing Board

Filing Date: FEB 23 2010

Copies furnished to: Suzanne H. Vitunac, Attorney; Joshua Perez; Gifford Gardens, LLC