



Office of

Attorney's Matters 3/7/2023

**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBraal, Deputy County Attorney
Susan J. Prado, Assistant county Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Susan Prado, Assistant County Attorney

DATE: February 28, 2023

SUBJECT: Authorization to proceed with foreclosures on Code enforcement cases 2022030038 (Denyes)

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 27, 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 2022030038 (Denyes), 855 104th CT, Vero Beach, Florida: This code enforcement action started in 2022 with a complaint regarding junk, trash, and debris, illegal storage of recreational vehicle. There was an evidentiary hearing on June 27, 2022 at which time the respondent (Brenden Denyes) 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 that were found as well as two extensions. At a compliance hearing held on September 26, 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 \$250.00 per day for junk, trash, and debris, illegal storage of recreational vehicle, use of a recreational vehicle as living quarters. The order is recorded at O.R. Book 3576 and Page 641.

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 Deed for case number 2022030038