



Office of

Attorney's Matters 4/9/2024

INDIAN RIVER COUNTY ATTORNEY

William K. DeBraal, County Attorney
Susan J. Prado, Deputy 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: March 26, 2024

SUBJECT: Authorization to proceed with foreclosures on Code enforcement cases: (2021110002) Frenezy, (2021030024) Richardson, (2022040148) TWLS 2025 LLC, (2022050008) TWLS 2035 LLC, and (2023070051) Mortgage Assets Management, LLC

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 two Code Enforcement Board hearings on February 26, 2024, and March 25, 2024, on the below listed properties. Staff is now seeking this Board's final approval to move forward with filing foreclosure proceedings on the below listed properties working with outside counsel, Dill, Evans and Rhodeback.

Case Number 2021110002 (Frenezy): This code enforcement action started in 2021 with a complaint regarding vehicle storage, junk vehicles, junk/trash/debris, and weeds in excess of 12 inches. There was an evidentiary hearing on May 23, 2022, 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 90-day time frame to correct the violations that were found, including one extension from August 26, 2022, to September 23, 2022. At a compliance hearing held on September 26, 2022, 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 \$250.00 per day. The order is recorded at O.R. Book 3576 and Page 645. The property was never brought into compliance.

Case Number 2021030024 (Richardson): This code enforcement action started in 2021 with a complaint regarding property maintenance, site plan noncompliance, and a use established without site plan approval. There was an evidentiary hearing on April 26, 2021, at which time the respondent was found in violation of the IRC Code. The respondents were given a 90-day time frame to correct the violations. At a compliance hearing held on July 26, 2021, 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 3454 and Page 1986. The property was never brought into compliance.

Case Number 2022040148 (TWLS 2025 LLC): This code enforcement action started in 2022 with a complaint regarding zoning district use violation, vehicle parking/storage violation, commercial vehicles at residence, and home occupation violation. There was an evidentiary hearing on June 27, 2022, at which time the respondent was found in violation of the IRC Code. The respondent was given a 30-day time frame to correct the violations that were found. At a compliance hearing held on July 25, 2022, 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 \$250.00 per day. The order is recorded at O.R. Book 3564 and Page 1099. The property was never brought into compliance.

Case Number 2022050008 (TWLS 2035 LLC): This code enforcement action started in 2022 with a complaint regarding a zoning district use, vehicle parking/storage, and no building permit violations. There was an evidentiary hearing on September 26, 2022, at which time the respondent was found in violation of the IRC Code. The respondent was given a 30-day time frame to correct the violations that were found. At a compliance hearing held on October 24, 2022, 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 \$250.00 per day. The order is recorded at O.R. Book 3582 and Page 1451. The property was never brought into compliance.

Case Number 2023070051 (Mortgage Assets Management, LLC): This code enforcement action started in 2023 with a complaint regarding property maintenance, swimming pool maintenance, unsecured vacant structure, and overgrown weeds. There was an evidentiary hearing on September 25, 2023, at which time the respondent was found in violation of the IRC Code. The respondent was given a 60-day time frame to correct the violations that were found. At a compliance hearing held on November 27, 2023, 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 3667 and Page 1312. The property was never brought into compliance.

Funding: Staff estimates outside counsel, filing fees, and costs for the foreclosures detailed above could cost approximately \$7,000.00 per case. Expenses will be charged to MSTU/Code Enforcement/Legal Services, Acct# 00420724-033110. 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 cases.

Attachments: Order Imposing Fine and Deeds for Case numbers 2021110002, 2021030024, 2022040148, 2022050008, and 2023070051.