

**REGULAR MEETING  
OF THE SPECIAL MAGISTRATE  
TOWN OF LADY LAKE, FLORIDA**

**September 23, 2014**

The regular meeting of the Special Magistrate was held in the Town Hall Commission Chambers at 409 Fennell Blvd., Lady Lake, Florida. The meeting convened at 10:30 a.m.

**TOWN STAFF PRESENT:** Cindy Diemer, Senior Code Enforcement Officer; Donald Hoos, Code Enforcement Officer; and Julia Wolfe, Staff Assistant to the Town Clerk

**CALL TO ORDER:** Valerie Fuchs, Special Magistrate, called the meeting to order at 10:30 a.m

**PLEDGE OF ALLEGIANCE:** All present stood to recite the Pledge of Allegiance.

**SWEARING IN:** Special Magistrate Valerie Fuchs requested that anyone present who planned to speak at today's meeting stand and be sworn in.

**Explanation of Procedure**

Special Magistrate Valerie Fuchs explained to the public that this is a quasi-judicial hearing, which means that she has not seen or heard any evidence or testimony from staff or outside parties, other than cases that have been continued from a public meeting, as this would be a violation of ex-parte rules. She stated that if any pictures or other evidence are presented this morning, the interested party will be able to review it in order to accept or refute it and be able to present their own evidence and testimony prior to the Special Magistrate making her ruling.

The Special Magistrate also explained that Code Enforcement staff would present their case and testimony, then the owner or interested party will be able to present their testimony or evidence. After that, staff will have the opportunity to rebut or refute any evidence that is presented. The Special Magistrate will then ask any questions that she deems appropriate and relevant during the testimony of each party before making her ruling. The order will be entered and the interested party will receive a copy of the order whether it is dismissed, or time granted in order to come into compliance, and whether a fine or lien will be imposed.

**Approval of August 26, 2014 Minutes**

Special Magistrate Valerie Fuchs accepted the August 26, 2014 meeting minutes into the record as presented.

Special Magistrate Valerie Fuchs asked staff if there were any changes to today's agenda.

Senior Code Enforcement Officer Cindy Diemer reported that two cases on this morning's agenda have come into compliance prior to the meeting: Item #1, Case No. 14-4925, and Item #2, Case No. 14-4952.

**NEW BUSINESS:**

**1. Case No. 14-4925 – 873 N. Hwy 27/441 (Trust Co Bank) – CFT Developments LLC – Town of Lady Lake Code of Ordinances Ch. 8-200 (a) – Failure to Respond to False Alarm Within 30 Minutes**

This case has come into compliance.

**2. Case No. 14-4952 – 1223 Pompano Lane – Federal National Mortgage Association (Michael Baker and David Baker) – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration Required**

This case has come into compliance.

**3. Case No. 14-5029 – 1016 Dustin Drive – One West Bank NA (William Scully) – Town of Lady Lake Code of Ordinances Ch. 20-78 – Abandoned Property Registration Required**

Code Enforcement Officer Donald Hoos presented the background on this case. He stated that the owner of the property is William Scully and this property is being foreclosed on by One West Bank NA in care of Elizabeth Wellborn PA of Deerfield Beach, FL. The alternate key number is 2741830.

Mr. Hoos stated this property is in violation of the Town of Lady Lake's Code of Ordinances Chapter 20-78 for abandoned property registration for 2014 which has not been paid.

Mr. Hoos stated an initial inspection was done on August 20, 2014, and the water to this property has been turned off and staff confirmed the property is vacant. Mr. Hoos stated a Notice of Hearing was mailed via certified and first class mail to One West Bank NA, and the property owner, on August 20, 2014. The property was posted on August 25, 2014. Photos of the posting were entered as evidence.

The Special Magistrate clarified that there were two e-mails in the packet.

Mr. Hoos agreed there were two e-mails.

The Special Magistrate asked if there was anyone present to speak on this case. There was no one.

*Special Magistrate Valerie Fuchs stated that based on the testimony and evidence presented on Case No. 14-5029, she did find that the owner was in violation of the Town of Lady Lake Code of Ordinances Chapter 20-78 for abandoned property not being registered as required. The owner has 10 days to come into compliance for the 2014 violation and pay the fee of \$150. This order will be recorded as a lien if not paid. In addition, an administrative fee of \$87 is imposed to be paid within ten days of this date.*

*The violator shall contact Code Enforcement to confirm compliance. The violator has a right to request a hearing on the fine imposition by written request to the Town of Lady Lake within twenty (20) days of the commencement of the fine. When requested, such a hearing will be heard by the Special Magistrate. The property owner will get a copy of this order.*

**ABATEMENT:**

**4. Case No. 13-4607 – 202 Longview Avenue – Gloria Terry – Town of Lady Lake Code of Ordinances Ch. 7-106 (b) – Brush Pile Disposal; Ch. 20-18 (a)(3) – Inadequate Garbage Containers; Ch. 20-20 (c) – Dead or Dying Vegetation; and Land Development Regulations Ch. 9-2 (h)(1) – Outside Storage**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated this case was brought to the Special Magistrate on March 25, 2014 for the violations of Town of Lady Lake Code of Ordinances Chapter 7-106 (b) for brush pile disposal; Chapter 20-18 (a) (3) for inadequate garbage containers; and Land Development Regulations Chapter 9-2 (h) (1) for outside storage of household items, abandoned toys, and junk.

Ms. Diemer stated the Special Magistrate ordered compliance within 30 days or a fine of \$25.00 per day would begin to accrue, plus an \$87.00 administrative fee. She stated the property was brought into compliance on August 18, 2014, and the \$87.00 administrative fee has been paid. She stated the property accrued daily fines for 146 days at \$25.00 per day, adding up to \$3,650. She reported the lien was recorded on May 7, 2014 in OR Book 4473, Pages 1974-1976.

Ms. Diemer reported the property is in full compliance and the property owner has requested consideration for a lien reduction and is present at the meeting.

Gloria Terry, property owner, stated the homestead was changed from 202 Longview Avenue to her new place on Frank Street when the property taxes were paid in 2013, and the mailing address was changed to P. O. Box 1033, Lady Lake, Florida. She stated the correct mailing address and the dates are shown on the confirmation letter from the property appraiser. Ms. Terry stated she checked and the property card showed the P.O. Box address on February 25, 2014 for both properties, and seven days later, staff sent a certified letter to 202 Longview Avenue, signed by a total stranger.

Ms. Terry stated she went on-line on August 15<sup>th</sup> to see what the appraisal would be on her home on Frank Street, and that is when she discovered there was a lien on 202 Longview Avenue. She stated she and her brother went over there that weekend and made sure everything was cleaned up and in compliance. She stated she spoke with staff on Monday and they went out and verified that the property was in compliance. She stated she was asking for consideration because she had no knowledge there were any liens on the property.

The Special Magistrate asked if the property records card still indicated Ms. Terry as the owner of 202 Longview Avenue.

Ms. Terry replied that the property records showed her as the owner and the owner's address as P. O. Box 1033 on February 25<sup>th</sup>.

The Special Magistrate stated it depends on when the property records cards were looked at by staff. She stated it takes the Property Appraisers office a while to update their records and staff is only required to look at the property records card by statute. She stated staff has to send notice to the owner of record and post the property as well.

Ms. Terry stated the address was changed January 9, 2014.

The Special Magistrate asked staff if the property was posted.

Ms. Diemer replied the property was posted. She stated Officer Hoos has had contact with the granddaughter who lives on the property, and she assured him that the grandmother was aware of the situation. She stated the granddaughter was the tenant and the cause of the violations. She stated a certified notice was also sent to Gloria Terry at 202 Longview Avenue and it came back unclaimed after being forwarded.

The Special Magistrate stated the Town Commission has the final say but usually factors in her recommendation. The Special Magistrate asked the property owner what she would like the lien reduced to.

Ms. Terry replied she would like to reduce the amount or eliminate it totally. She stated she is on Social Security and this is a hard hit.

The Special Magistrate stated that reducing the amount to zero has to be extreme situation case because the Town does accrue the cost of posting, filing, and doing site inspections. She asked staff if there have been excessive site visits and if they have any objections to the abatement request.

Ms. Diemer replied there have been about four to five visits to the site; a typical amount, and that staff has no objection to a reduction.

*Special Magistrate Valerie Fuchs stated that she recommends abatement of this case's lien amount down to \$500.00. The abatement amount is to be paid within 30 days of the Town Commission's decision. She stated that although this is her recommendation, the case still has to go before the Town Commission at their regular meeting on October 6, 2014 at 6:00 p.m. The property owner will get a copy of the order.*

**5. Case No. 05-307 – (Old Case No 04-04-007(a) – 703 Chuck Street – Christina Jones & John Jones – Town of Lady Lake Land Development Regulations Ch. 16 – Building and Fire Codes Art. 1, Section 1 (b)(5) – Standard Unsafe Building Abatement Code, 1985 Edition, Published by SBCCI, Inc., Chapter 1, Administration 101 Title and Scope 101.6 Maintenance – Building Exterior Maintenance – Siding Required**

Senior Code Enforcement Officer Cindy Diemer stated the next two cases are related and are for the same address. She stated Item #5, Case No. 05-307 is an old Case No. 04-04-007 (a), as it was issued prior to our computerized system and once the Town created the computerized system and staff entered it into the system, this is the current computer system case number. Ms. Diemer stated the owner is present and she will explain the situation for both cases and the Special Magistrate can render a recommendation for each and they will be brought before the Commission together. She reviewed both cases as follows:

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated this case was brought before the Code Enforcement Board on April 4, 2004 for the violations of Town of Lady Lake Land Development Regulations Chapter 16 for Building and Fire Codes Article 1, Section 1 (b) (5) for standard unsafe building abatement code, 1985 Edition, Published by SBCCI, Inc.; and Chapter 1, Administration 101 Title and Scope 101.6

Maintenance for building exterior - maintenance for siding required. She stated the Board ordered compliance by June 28, 2004 or a fine of \$100 per day would be imposed. The property was brought into compliance in 61 days and the lien accrued to \$6,100. Ms. Diemer stated the lien remained in place until May 2000, when the couple sought a lien reduction via the lien abatement process. She stated it was recommended that the lien be reduced to \$500 and this was approved by the Town Commission on June 1, 2009. However, the couple never paid the reduced lien, so the original lien was reinstated and stands at \$6,100. She reported the lien was recorded on July 8, 2004 in OR Book 2609, Pages 2464-2467.

*After discussion of this case in combination with the case below, Special Magistrate Valerie Fuchs stated that she recommends abatement of this case's lien amount down to \$250.00. The abatement amount is to be paid within 30 days of the Town Commission's decision. She stated that although this is her recommendation, the case still has to go before the Town Commission at their regular meeting on October 6, 2014 at 6:00 p.m. The property owner will get a copy of the order.*

**6. Case No. 10-2203 – 703 Chuck Street – Christina Jones & John Jones – Town of Lady Lake Code of Ordinances Ch. 20-74 – Abandoned Property; Ch. 20-20 (a)(1) – Property Maintenance; Ch 7-46 – Abandoned Boat and Car; Ch. 20-20 (a) (2) – Painting and Cleaning Exterior; and Ch. 7-106 (b) – Brush and Yard Waste Accumulation in Yard**

Senior Code Enforcement Officer Cindy Diemer presented the background on this case. She stated this case was heard on April 26, 2010 for the violations of Town of Lady Lake Code of Ordinances Chapter 20-74 for abandoned property; Chapter 20-20 (a) (1) for exterior mobile deterioration, mold, broken windows and screens; Chapter 7-67 for junk and debris; Chapter 20-20 (a) (2) for exterior siding, roof cleaning and painting required; and Chapter 7-106 (b) for brush and yard waste accumulation.

Ms. Diemer stated the Special Magistrate ordered the property to be in compliance within ten days or a fine of \$250 per day plus an administrative fee would be imposed. She stated the property was brought into full compliance on July 28, 2014. She stated the lien has accumulated to \$48,837, including the \$87.00 administrative fee. She reported the lien was recorded on May 12, 2010 in OR Book 3904, Pages 2237-2240.

Ms. Diemer stated the property was purchased by Mr. Zonin via quit claim deed on November 14, 2013 and he was unaware of the outstanding liens. She stated he has satisfied some nuisance abatement liens and has significantly improved the property.

John Zonin, property owner, stated he purchased the property without knowing there were code enforcement and multiple liens on the property. He stated he found out about the liens after he fixed the place up because he is trying to sell it and a title search was done.

The Special Magistrate asked if he did a quick search of the records before he brought the property.

Mr. Zonin replied that he did not as the people seem nice and he had asked if there were any code enforcement liens and they said they had taken care of them; although the property was an eyesore.

The Special Magistrate asked staff if they had any objections because the lien was reduced to \$500.00 before and there is now a larger substantial amount accumulated. She asked if the mobile home was gone.

Mr. Zonin replied the mobile home is fixed up and looks nice.

The Special Magistrate stated she and the Town appreciates that the property was brought into compliance. She asked staff if they had a recommendation on the case.

Ms. Diemer replied that staff has no objection to a reduction.

The Special Magistrate asked Mr. Zonin for his recommendation.

Mr. Zonin stated he would be fine if the lien amount could be dropped down to \$500.00.

Ms. Diemer remarked that each case has to be rendered separately.

The Special Magistrate asked if the property remained in compliance after it was brought into compliance and the lien amount was reduced to \$500.00 on the original Case No. 05-307.

Ms. Diemer replied that the lien converted back to the original lien amount when the reduced amount was never paid.

The Special Magistrate advised the property owner to never buy property without doing due diligence to be sure there are no liens. She stated it is easier now as you can check public records and get a good idea of what is out there on the property without doing a complete title search.

***Special Magistrate Valerie Fuchs stated that she recommends abatement of this case's lien amount down to \$250.00. The abatement amount is to be paid within 30 days of the Town Commission's decision. She stated that although this is her recommendation, the case still has to go before the Town Commission at their regular meeting on October 6, 2014 at 6:00 p.m. The property owner will get a copy of the order.***

## **ADJOURN**

With no other business to discuss, the meeting was adjourned at 11:00 a.m.

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Julia Wolfe  
Staff Assistant to Town Clerk

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Valerie Fuchs  
Special Magistrate