



Town of Lake Park

SPECIAL MAGISTRATE HEARING AGENDA

FEBRUARY 4, 2010
10:00 A.M.

Town Hall Commission Chambers
535 Park Avenue
Lake Park, FL 33403

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Special Magistrate with respect to any matter considered at the Hearing, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

REQUEST FOR FINE REDUCTION

CASE NO. 06-10712

DEUTSCHE BANK NATIONAL TRUST COMPANY TRUSTEE

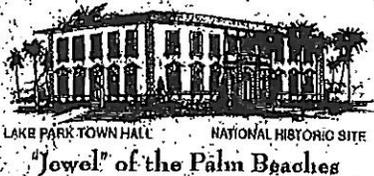
LOCATION: 1115 LAKE SHORE DRIVE #101

PCN: 36-43-42-21-28-013-1010

LEGAL: BAY REACH CONDOMINIUM UNIT 101 BLDG 1115

CODE SECTIONS VIOLATED:	54-10 (PERMITS)
ORIGINAL HEARING DATE:	NOVEMBER 16, 2006
ORDERED COMPLIANCE DATE:	DECEMBER 4, 2006
ACTUAL COMPLIANCE DATE:	DECEMBER 22, 2009

\$100.00 PER DAY FINE x 1114 DAYS	\$111,400.00
INTEREST @ 11% PER ANNUM	12,254.00
TOTAL AMOUNT DUE	\$123,654.00



The Town of Lake Park

Community Development Department

COMMUNITY

CODE COMPLIANCE SPECIAL MAGISTRATE

CASE NO: 06-10712

JAN 22 2010

Development

REQUEST FOR FINE REDUCTION OR WAIVER

ALL CONDITIONS PRECEDENT TO OBTAINING A HEARING ON THIS FINE REDUCTION OR WAIVER REQUEST AS STATED ON THIS APPLICATION FORM, MUST BE FULLY SATISFIED BEFORE ANY REQUEST WILL BE PROCESSED BY THE TOWN OF LAKE PARK ("TOWN"), PLACED ON AN AGENDA OF THE SPECIAL MAGISTRATE, OR A HEARING CONDUCTED ON THE REQUEST. IN ADDITION, ALL INFORMATION TO BE CONSIDERED BY THE SPECIAL MAGISTRATE IN SUPPORT OF THE REQUEST MUST BE SUPPLIED TO THE TOWN BY THE APPLICANT TOGETHER WITH THIS APPLICATION FORM IN ORDER FOR YOUR APPLICATION TO BE PROCESSED. IF ANY INFORMATION IS MISSING, YOUR APPLICATION MAY BE RETURNED TO YOU FOR COMPLETION, AND THE TOWN'S SPECIAL MAGISTRATE WILL NOT HEAR YOUR REQUEST UNTIL A COMPLETED APPLICATION IS RECEIVED.

CONDITIONS PRECEDENT TO OBTAINING A HEARING ON ANY FINE REDUCTION OR WAIVER REQUEST:

1. ALL ADMINISTRATIVE FEES AND COSTS (INCLUDING ANY ADDITIONAL ADMINISTRATIVE FEES AND COSTS WHICH WERE INCURRED BY THE TOWN SUBSEQUENT TO THE RENDITION OF A VIOLATION ORDER, INCLUDING BUT NOT LIMITED TO, FEES AND COSTS INCURRED BY THE TOWN TO ABATE THE VIOLATION OR FEES AND COSTS INCURRED BY THE TOWN IN CONNECTION WITH A NUISANCE ABATEMENT PROCEEDING), WHICH HAVE BEEN ASSESSED AGAINST THE RESPONDENT, AND/OR ANY OTHER PERSONS OR ENTITIES WHICH ARE RESPONSIBLE FOR THE PAYMENT OF SUCH FEES AND COSTS, (I.E., A NEW PROPERTY OWNER OR A SUCCESSOR-IN-INTEREST TO THE RESPONDENT), MUST BE PAID IN FULL TO THE TOWN BEFORE A REQUEST FOR A FINE REDUCTION OR WAIVER WILL BE ACCEPTED BY THE TOWN. Administrative fees and costs are due and payable regardless of whether the Town has recorded a lien for the fees and costs in the Public Records of Palm Beach County.
2. A Request for a Fine Reduction or Waiver ("Request") will be accepted by the Town only if the entire Property which is the subject of the Request for a Fine Reduction or Waiver (including both the exterior and the interior), is in full compliance with the Town Code and/or the Florida Building Code and/or the Florida Fire Prevention Code adopted by Palm Beach County and the Town. In addition, if the Respondent or the Applicant (or any of their principals, affiliates, or subsidiaries) is/are the owner(s) or the holder(s) of any possessory or ownership interest in any other parcel of real property located within the Town on which there are existing Town Code, Florida Building Code, or Florida Fire Prevention Code violations, or outstanding liens, or unpaid administrative fees or costs, or if the Respondent or the Applicant owes any other form of debt to the Town, then all such unpaid debts must be paid in full to the Town and all violations be corrected to the satisfaction of the Town's Community Development Director, before a Request will be accepted.
3. If a Town Code Compliance Officer has probable cause to believe that additional violations may exist within the interior of the subject property, the Applicant may be required to allow the Town's Code Compliance Officers inside the premises of the subject property prior to scheduling the hearing on the Request before the Special Magistrate.
4. Only one (1) Request for a Fine Reduction or Waiver per case is allowed. A technically complete Request must be submitted to the Town no later than six (6) months from the date that the final affidavit of compliance for the code compliance case which is the subject of the Request is issued by the Town, unless good cause for an extension of the six month period is demonstrated by the Applicant to the reasonable satisfaction of the Town's Community Development Director.
5. Proof of extenuating and/or mitigating circumstances (i.e., medical or financial hardships, and/or other similar factors) which may have prevented the Respondent (or the Applicant) from correcting the

violation(s), and complying with the requirements of the Final Order by the compliance date, and/or other evidence of mitigation or justification by the Respondent (or Applicant) shall be submitted with this Application. Relevant evidence to be considered by the Special Magistrate in ruling on the Request includes: (1) the gravity of the violation; (2) the actions taken by the violator to correct the violation; and (3) any previous violations committed by the violator. Therefore, relevant evidence may include, but is not limited to, credible evidence of the amount of time it took the Respondent to comply with the Final Order; whether the Respondent has a clean code enforcement record for any and all real property owned by the Respondent located in the Town; the nature of the violation(s) and the severity or gravity of the violation(s) (or lack thereof); whether the Town abated any of the violations; communications between the Respondent and the Town's Code Compliance Officer assigned to the case; evidence that the fine(s) that was originally imposed by the Final Order was excessive and the reasons therefore, and any other evidence that the Respondent believes to be relevant to the Request. All documentary evidence in support of the Request must be submitted together with this completed Application form. Documentary evidence that is not provided to the Town at the time the Request is submitted may not be considered by the Special Magistrate at the hearing on the Request.

6. The Applicant must contact the Town's Code Compliance Division at (561) 881-3321, to determine the total amount of administrative fees and costs which are owed to the Town, if any, prior to the submission of the completed Application. In the event that the Town discovers that additional costs are owed to the Town after the Application has been accepted by the Town, the Town will notify the Applicant of such additional fees and costs, and such additional fees and costs must be also paid before the Request will be heard by Special Magistrate.

7. Worthless checks provided to the Town as payment of the Application fee and/or for fees and costs owed to the Town, shall result in the automatic rejection of the Application by the Town, and shall preclude the submission of another Application and Request in the same case. In addition, the tender of a worthless check may subject the Applicant to further costs and/or civil liability pursuant to Sections 832.05, 832.07, Fla. Stat., et. seq., (Florida's Worthless Check Statute and Civil Remedy), as amended from time to time.

8. Please answer all questions on this Application form completely. Be specific and use additional pages if necessary. Please return this Application, the \$50.00 Application fee, the payment of any outstanding fees, costs, and/or other debts owed to the Town, and all supporting documents to the Town of Lake Park, Department of Community Development, Code Compliance Division, located in the Lake Park Town Hall at 535 Park Avenue, Lake Park, FL 33403.

APPLICANT INFORMATION:

After the completed Application is reviewed by Town staff for technical sufficiency and completeness, the Application shall either be forwarded to the Special Magistrate for a hearing, or returned to the Applicant if the Application is deemed incomplete and insufficient. The Request will be heard at the next regularly scheduled hearing of the Town's Special Magistrate in the Town Commission Chambers at the Lake Park Town Hall at 535 Park Avenue, Lake Park, FL 33403. The Applicant will be notified in writing of date and time of the hearing, and provided with a copy of the Final Order of the Special Magistrate reflecting the final decision on the Request within ten (10) business days after the hearing or as otherwise provided in the Final Order of the Town's Special Magistrate. Please contact the Town's Code Compliance Office at (561) 881-3321 regarding any questions concerning a Request for Fine Reduction or Waiver or this Application form. **The Applicant must complete ALL of the following information:**

Applicant (or Respondent's) full legal name: Glen Daniels / The Real Estate Office Co.

Legal address of Applicant: 1800 Forest Hill Blvd #A7 West Palm Beach FL 33406

Telephone and facsimile numbers of the Applicant: 561 963 7938 / 561 963 7939 (F)

Property Owner's name, address & telephone number (if different from Applicant or Respondent):

ACCREDITED HOME LENDERS INC.

If the Applicant or Respondent is not the property owner, state the relationship of the Applicant or the Respondent to the property owner:

Telephone number where Applicant can be reached during the day: 561-963-7938

Attorney/Agent's Name (if applicable): _____

Attorney/Agent's law firm name and address: _____

Attorney/Agent's phone and facsimile numbers: _____

Property address of violation(s) 1115 LAKE SHORE DRIVE #101, LAKE PARK FL 33408

Identify the violations, which were not complied by the compliance date specified in the Final Order:

Shutters

State the compliance date that was specified in the Final Order of the Special Magistrate:

State the date on which the Town issued an Affidavit of Compliance: _____

Is the Applicant claiming a financial hardship? Yes: _____ No:

If yes, **attach** supporting documentation (i.e., proof of income, loss of income, unemployment compensation records, employment records, etc.)

Is the Applicant claiming a medical hardship? Yes: _____ No:

If yes, **attach** supporting documentation (i.e., a physician's/doctor's statement or report, worker's compensation and/or disability records.)

If the Applicant is the new owner of the property on which the violation existed, and is either a financial institution, person, or entity which acquired title to the property through a foreclosure proceeding, public or forced sale, or settlement and compromise, or bankruptcy, state whether the Applicant was a mortgagee or affiliate or subsidiary or beneficiary of a mortgagee of the property at the time the Notice of Violation and the Final Order was issued by the Special Magistrate:

If yes, **attach** a copy of the note(s), mortgage(s) and all other documents which established a contractual or other relationship between the Respondent and the current owner, which were in effect at the time the Respondent was the property owner. (If applicable).

If the property owner or the Respondent is unable to complete this Application form, print the name of the person who is authorized to act as the agent or attorney for the property owner or the Respondent and provide address and telephone contact information:

IMPORTANT:

ALL SUPPORTING DOCUMENTARY EVIDENCE MUST BE SUBMITTED WITH THIS APPLICATION OR THE DOCUMENTATION WILL NOT BE CONSIDERED AT THE HEARING ON THE REQUEST.

SWORN JUSTIFICATION STATEMENT OF APPLICANT
MADE UNDER THE PENALTY OF PERJURY:

By completing this Application, I am making the statements on this Application under oath and under the penalty of perjury. The failure to be honest and truthful in completing the answers on this Application is a

violation of Florida statutory law pertaining to perjury, a felony punishable by up to 15 years in prison. I further understand and agree, that I will not be given an opportunity to address the Special Magistrate concerning this Request other than to answer any direct questions that may be posed to me by the Special Magistrate, and that any such testimony that I may give before the Special Magistrate shall also be under oath and subject to the penalty of perjury as set forth herein.

I, Glen Daniels, as the Applicant (or authorized agent or attorney of the Applicant) making this Request, do hereby submit this sworn statement and Request for Fine Reduction or Waiver, and in support thereof, I offer the following statement in justification and support of my Request:

Property was acquired via foreclosure by
ACCREDITED on Sept. 17 2009 with
certificate of title being recorded OCT. 16 2009
ACCREDITED, ACCREDITED DISCOVERED THE
CODE VIOLATION EARLY DECEMBER ON CORRECTED
12-22-09. WE ARE REQUESTING FINE REDUCTION
because current owner has not been notified of
code violation which occurred prior to foreclosure.

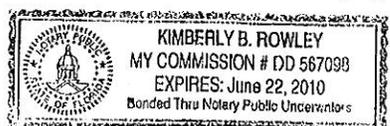
Date: 1-22-10

Applicant's Signature: [Handwritten Signature]
Printed Name: Glen Daniels
Position/Title: Broker

State of: Florida
County of: Palm Beach

The foregoing instrument was acknowledged before me this 22nd day of Jan 2010 by 200 FL DL who is personally known to me or who has produced as identification and who did / did not take an oath.

Signature of Notary Public Kimberly B Rowley



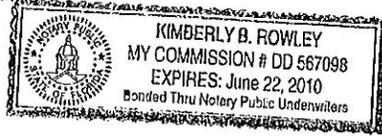
8542-288-66-138-0

Request for Fine Reduction or Waiver

Case No: 06-10712

Kimberly B Rowley
Printed Name of Notary Public

(OFFICIAL SEAL)



4002

CFN 20090362479
OR BK 23499 PG 0969
RECORDED 10/19/2009 08:51:26
Palm Beach County, Florida
AMT 100.00

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR
PALM BEACH COUNTY

Doc Stamp 0.70
Sharon R. Bock, CLERK & COMPTROLLER
Pa. 0969; (1pg)
ACCREDITED HOME LENDERS, INC., A
CALIFORNIA CORPORATION,
Plaintiff,

CASE NO. 502008CA007261XXXXMB AW

FILED
09 OCT 16 PM 3:25
SHARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CIVIL 1

vs.

CERTIFICATE OF TITLE

ANTHONY N VERNI et. al.
Defendants.

The undersigned Clerk of the Court, certifies that he or she executed and filed a certificate of sale in this action on SEPTEMBER 17 2009, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in PALM BEACH County, Florida:

Pl. 001
#

CONDOMINIUM UNIT 101, BUILDING 1115, BAY REACH, A CONDOMINIUM, TOGETHER WITH AN UNDIVIDED INTEREST IN THE COMMON ELEMENTS, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF RECORDED IN OFFICIAL RECORD BOOK 17105, PAGE 1454, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA

a/k/a 1115 LAKE SHORE DRIVE UNIT 101, LAKE PARK, FL 33408

was sold to Deutsche Bank National Trust Company, as Indenture Trustee, for the benefit of the holders of the Aames Mortgage Investment Trust 2005-4 Mortgage Backed Notes
3815 SOUTH WEST TEMPLE
SALT LAKE CITY, UT 84115-4412

WITNESS my hand and the seal of the court this 16 day of OCTOBER, 2009.



SHARON R. BOCK
As Clerk of the Court

By: *Kathleen Harayda*
As Deputy Clerk KATHLEEN HARAYDA

Comments:

JAN 22 2010

Development:

Our file 57249 | vto
N:\docs\fc\COT.DOC
0011971710

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Thursday, February 4, 2010
at 10:00 AM



Town Hall
535 Park Ave.
Town of Lake Park, Florida

**SPECIAL MAGISTRATE HEARING
AGENDA
Thursday, February 4, 2010 at 10:00 AM**

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decision made by the Code Compliance Special Magistrate with respect to any matter considered at this Hearing, such interested person may need a verbatim record of the proceedings made, including the testimony and evidence presented at this Hearing.

CALL TO ORDER

SWEARING IN OF ALL WITNESSES

QUASI-JUDICIAL PROCEEDINGS

The Code Compliance Special magistrate shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by the Town of Lake Park.

Category: New Business

Agenda No.	Case Number	Date Issued	Req'd Action
2010-02-1	09120030	12/22/2009	

Owner TRUST LAKE PARK LTD
Address 800 VENTIAN ISLES DR Town of Lake Park FL, 33403

Description
INOPERABLE LIGHTING, GRAFFITI, OVERFLOWING TRASH IN DUMPSTERS AND TRASH THROUGHOUT PROPERTY

Violations

<u>Ordinance/Regulation</u>	<u>Section</u>	<u>Description</u>	<u>Days to Comply within issuance date</u>
Chapter 24 SOLID WASTE*	Sec. 24-76	Container storage/screening.	16
Chapter 24 SOLID WASTE*	Sec. 24-80	Loading and unloading areas.	16
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-71	Property maintenance standards. general.	16

Agenda No.	Case Number	Date Issued	Req'd Action
2010-02-2	10010006	1/5/2010	

Owner JANSON ANDREW
Address 740 W KALMIA DR Town of Lake Park FL, 33403

Description

