

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

JAMES OBER,

CASE NO.

Plaintiff,

vs.

TOWN OF LAUDERDALE-BY-THE-SEA,  
a Florida municipality,

Defendant.

**COMPLAINT TO QUIET TITLE**

Plaintiff, James Ober, through his undersigned counsel, files this complaint to quiet title against Defendant, Town of Lauderdale-By-The-Sea, and alleges as follows:

1. This is an action to quiet title to certain real property situated in Broward County, Florida, filed pursuant to Chapter 65, Florida Statutes.

2. Plaintiff is the owner in fee simple of the following described land in Broward County, Florida:

Lot 17 of Block 2, in TERRA MAR ISLAND ESTATES, according to the Plat thereof, recorded in Plat Book 29, Page 12, of the Public Records of Broward County, Florida

Plaintiff deraigns title to the land as follows:

3. On September 23, 2013, Bank of America, N.A., conveyed the subject land by special warranty deed to James Ober, said deed being recorded in Official Records Book 50241, Page 214, of the Public Records of Broward County, Florida. A copy of the warranty deed is attached hereto as Exhibit A.

4. Prior to that, on July 25, 2013, Federal National Mortgage Association conveyed the subject land by quit claim deed to Bank of America, N.A., said deed being recorded in Official Records Book 50241, Page 212, of the Public Records of Broward County, Florida. A copy of the quit claim deed is attached hereto as Exhibit B.

5. Prior to that, on October 9, 2012, the Clerk of the Circuit Court of Broward County, Florida, conveyed the subject land by certificate of title to Federal National Mortgage Association, said certificate of title being recorded in Official Records Book 49159, Page 1889 of the Public Records of Broward County, Florida. A copy of the certificate of title is attached hereto as Exhibit C.

6. Prior to that, on August 27, 1999, Jean H. Johnstone conveyed the subject land by warranty deed to Hannelore Heiden, said deed being recorded in Official Records Book 29827, Page 209, of the Public Records of Broward County, Florida. A copy of the warranty deed is attached hereto as Exhibit D.

7. In 2007, while the subject property was owned by Hannelore Heiden, Bank of America, N.A., filed a foreclosure action in Broward County Circuit Court under case number 07-30825 CACE 11.

8. As part of its mortgage foreclosure action, Bank of America, N.A., filed and recorded a Notice of *Lis Pendens*. The notice was recorded on November 26, 2007, and can be found at Official Records Book 44837, Page 1043, Public Records of Broward County, Florida. A copy of this Notice of *Lis Pendens* is attached hereto as Exhibit E.

9. Beginning in August, 2008, while the foreclosure action was pending, the Defendant began imposing and recording a series of municipal and code enforcement liens against the Property. These liens and their dates of recording are as follows:

- a. Order Imposing Fine/Certificate of Lien, imposed April 17, 2008 and recorded August 1, 2008, at Official Records Book 45579, Page 1001; supplemented by Order Imposing Fine/Certificate of Lien recorded April 2, 2013, in Official Records Book 49657, Page 745;
- b. Final Order, imposed September 16, 2009, and recorded December 9, 2009, in Official Records Book 46717, Page 1014;
- c. Order Imposing Fine/Certificate of Lien, imposed February 17, 2010, and recorded July 13, 2010, in Official Records Book 47217, Page 676;
- d. Order Imposing Fine/Certificate of Lien, imposed February 17, 2010, and recorded July 13, 2010, in Official Records Book 47217, Page 684;
- e. Order Imposing Fine/Certificate of Lien, imposed October 20, 2010, and recorded December 2, 2010, in Official Records Book 47553, Page 417; and
- f. Special Magistrate Order Imposing Fine and Certification of Lien, imposed February 16, 2011, and recorded August 10, 2011, in Official Records Book 48104, Page 1788.

Copies of these liens are attached hereto as Exhibits F through L.

10. The foreclosure action was not concluded until a Certificate of Title to Bank of America was issued by the Clerk of the Circuit Court on October 9, 2012, after a foreclosure sale (the Certificate of Title is found at O.R. Book 49159, Page 1889, a copy of which is attached hereto as Exhibit M).

11. Subsequent to the issuance of the Certificate of Title, two additional liens were imposed and recorded against the property by the Town:

- a. Order of Imposition of Fine and Claim of Lien, imposed March 18, 2013, and



recorded July 29, 2013, in Official Records Book 50027, Page 645; and

- b. Order of Imposition of Fine and Claim of Lien, imposed July 15, 2013, and recorded September 24, 2013, in Official Records Book 50197, Page 1864.

Copies of these liens are attached hereto as Exhibits N and O.

12. In July, 2013, after imposition of all of the fines described above, Ober applied to the Town for mitigation of the various liens recorded against the property. At a hearing held before the Town Commission on September 10, 2013, the Town agreed to reduce the amounts due on each of the lien amounts by seventy-five (75%) percent, in accordance with its usual and customary policy on lien mitigation (which also allows a party who has contracted with an owner to purchase a property subject to Town liens to apply for mitigation of those liens). A copy of this Order is attached hereto as Exhibit P.

13. Upon subsequently realizing that the liens recorded against the property prior to the issuance of the Certificate of Title were unenforceable against the property, Ober through counsel asked for a rehearing of those specific offending liens. A copy of the letter asking for rehearing is attached hereto as Exhibit Q.

14. At the rehearing held before the Town Commission on September 24, 2013, the Town agreed that the first lien (Exhibits F and G) was unenforceable and agreed to remove it as an encumbrance on the Property; however, the Town refused to remove any of the remaining offending liens. The Town did reiterate its decision to reduce the amounts due on each of the remaining lien amounts to twenty-five (25%) percent. A copy of the Town's revised Order is attached hereto as Exhibit R.

15. On September 30, 2013, Ober purchased the Property from Bank of America.

16. Pursuant to Florida Statute Section 48.23(1)(d), the recording of a notice of *lis*

*pendens* by Bank of America Aconstitutes a bar to the enforcement against the property described in the notice of all interests and liens@ recorded thereafter. This statutory provision was recently enforced by the Fourth District Court of Appeal in *U.S. Bank Nat'l Ass'n v. Quadomain Condo. Ass'n, Inc.*, 103 So. 3d 977 (Fla. 4th DCA 2012) and further confirmed to be enforceable against all municipal liens by the Florida Supreme Court in *City of Palm Bay v. Wells Fargo Bank*, 114 So. 3d 924 (Fla. 2013).

17. Contrary to the *Lis Pendens* statute, the Town never intervened in this action after the notice of *lis pendens* was filed and recorded by Bank of America.

18. As all of the liens described in Exhibits H through L were recorded after the notice of *lis pendens* was recorded, they are unenforceable and should be stricken.

19. Ober has made demand on the Town to remove the offending liens but the Town has refused to do so (except for Exhibits F and G).

20. As Plaintiff is the legal and equitable owner thereof in fee simple, Plaintiff is entitled to have his title to the real property quieted and confirmed by the court under the provisions of F.S. 65.061.

WHEREFORE, Plaintiff, being without remedy save in a court of equity, demands as follows:

A. That upon final hearing, the fee simple title to the above described property be adjudged to be in Plaintiff.

B. That the liens identified in paragraph 9 be stricken as liens on the subject property and that all adverse claims by Defendant or those claiming by, through, under, or against Defendant, be determined by judgment of this court to be null and void as against Plaintiff.

C. That all right, title, and interest of Defendant and those parties claiming by, through,

under, or against Defendant be forever quieted and confirmed in Plaintiff.

D. That Defendant and those parties claiming by, through, under, or against Defendant be perpetually enjoined from asserting any right, title, claim, or interest in and to the above described real property.

E. That the court grant such other and further relief as it may deem proper in the premises.

Dated: this \_\_\_ day of April, 2014.

Respectfully submitted,

BELOFF | PARKER | JACOBS  
1691 Michigan Ave., Suite 320  
Miami Beach, FL 33139  
Telephone (954) 929-0679  
Facsimile (888) 632-4944  
EJacobs@BeloffParker.com  
Service@BeloffParker.com

By: /s/ Eric A. Jacobs  
Eric A. Jacobs, Esq.  
Fla. Bar No.: 0189065

# EXHIBIT A



**Prepared By and Return To:**

Chris Drivas  
Morris|Hardwick|Schneider, LLC  
5110 Eisenhower Boulevard, Suite 102  
Tampa, FL 33634

**File No.** FLC-121100850S

**Property Appraiser's Parcel I.D. (folio) Number(s)**

494306-20-0380

THIS IS NOT AN  
OFFICIAL COPY  
SPECIAL WARRANTY DEED  
THIS SPECIAL WARRANTY DEED made this September 23, 2013 by Bank of America, N.A. hereinafter called the grantor and James Ober, a single man, whose post office address is 1211 NE 8 Ave #200, Ft Lauderdale, FL 33304, hereinafter called the grantee:

***The Grantee(s), or purchaser(s), of the Property may not re-sell, record any additional conveyance document, or otherwise transfer title to the Property within 60 days following the recordation of the deed conveying title of the Property to the Buyer.***

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representative and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$ 200,000.00 and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all the certain land situated in Broward County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Property Address: 3270 Spanish River Drive, Pompano Beach, FL 33062

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF FOR INCUMBENCY STATEMENT

Subject to encumbrances, easements and restrictions of record, and taxes for the year 2013 and thereafter.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; and hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said grantor, but against none other.



**SPECIAL WARRANTY DEED**  
(Continued)

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

*Sandra Colgrove*  
(Witness Signature)

Sandra Colgrove  
(Print Name of Witness)

*William Owens*  
(Witness Signature)

William Owens  
(Print Name of Witness)

Bank of America, N.A.

Signed By: *[Signature]*

Printed Name: Min Soo Kim

As Its: AVP

(Corporate)

Address:

400 National Way

Simi Valley, CA 93065

State of Texas

County of Collin

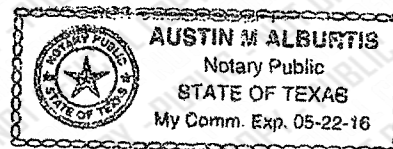
The foregoing instrument was acknowledged before me this 23rd day of September, 2013, by Min Soo Kim, as AVP of Bank of America, N.A., who is personally known to me or who has produced N/A as identification.

[Notary seal]

*[Signature]*  
Notary Public

Printed Name: Austin M Alburtis

My Commission Expires: 05/22/16



**SPECIAL WARRANTY DEED**  
(Continued)

**Exhibit "A"**

LOT 17, OF BLOCK 2, IN TERRA MAR ISLAND ESTATES, ACCORDING TO THE PLAT THEREOF,  
RECORDED IN PLAT BOOK 29, PAGE 12 OF THE PUBLIC RECORDS OF BROWARD COUNTY,  
FLORIDA.

THIS IS NOT AN  
OFFICIAL COPY

Special Warranty Deed (Corporation)  
Rev. (3/99)

SMF100165.BAC.rdw  
JS LD 04/18/2011

FLC-1211008505  
09/20/13 @ 02:01 PM

Exhibit "B"

**CERTIFICATE OF ASSISTANT SECRETARY  
OF  
BANK OF AMERICA, NATIONAL ASSOCIATION**

The undersigned, Devra Lindgren, an Assistant Secretary of Bank of America, National Association (the "Association"), a national banking association organized and existing under the laws of the United States of America and having its principal place of business in the City of Charlotte, County of Mecklenburg, State of North Carolina, does hereby certify that:

1. The following persons have been duly elected or appointed and have duly qualified as officers of the Association and they hold the office set forth opposite their names:

<u>Name</u>	<u>Title</u>
Angela Danford	Assistant Vice President
Pilar Doolittle	Assistant Vice President
Tricia Fields	Assistant Vice President
Monica Jacobs	Assistant Vice President
Min Soo Kim	Assistant Vice President
Cesilia Lopez	Assistant Vice President
Maria Lugo	Assistant Vice President
Brandon Schwartz	Assistant Vice President
Shena Timmons	Assistant Vice President
Lucas Uribe	Assistant Vice President
Brad Wiley	Assistant Vice President

2. The following is a true and complete copy of an excerpt from the Bylaws of the Association, and the same is in full force and effect as of the date hereof:

**Section 5.2. Execution of Instruments.** All agreements, indentures, mortgages, deeds, conveyances, transfers, contracts, checks, notes, drafts, loan documents, letters of credit, guarantees, master agreements, swap agreements, security and pledge agreements, guarantees of signatures, certificates, declarations, receipts, discharges, releases, satisfactions, settlements, petitions, schedules, accounts, affidavits, bonds, undertakings, powers of attorney, and other instruments or documents may be signed, executed, acknowledged, verified, attested, delivered or accepted on behalf of the Association by the Chairman of the Board, the President, any Vice Chairman of the Board, any Division President, any Managing Director, any Principal, any Vice President, any Assistant Vice President, or any individual who is listed on the Association's personnel records in a position equal to any of the aforementioned officer positions, or such other officers, employees or agents as the Board of Directors or any of such designated officers or individuals may direct. The provisions of this Section 5.2 are supplementary to any other provision of these Bylaws and shall not be construed to authorize execution of instruments otherwise dictated by law.



IN WITNESS WHEREOF, I have hereunto signed my name and affixed the seal of the Association on this 17th day of September, 2012.

BANK OF AMERICA, NATIONAL  
ASSOCIATION

By: Devra Lindgren  
Devra Lindgren, Assistant Secretary

THIS IS NOT AN  
OFFICIAL COPY

# EXHIBIT B

RECORDED AT THE REQUEST OF  
& WHEN RECORDED RETURN TO:  
Bank of America, N.A.  
Mail Code: AZ1-805-03-03  
2505 West Chandler Blvd.  
Chandler, AZ 85224

MAIL ALL TAX STATEMENTS TO:  
Bank of America, N.A.  
Mail Code: AZ1-805-03-03  
2505 West Chandler Blvd.  
Chandler, AZ 85224  
PLC - 1211 008505  
QUITCLAIM DEED

This property was inadvertently conveyed to Federal National Mortgage Association and Federal National Mortgage Association did not accept the deed.

THIS QUITCLAIM DEED, Made this day 7/25/13 by and between  
FEDERAL NATIONAL MORTGAGE ASSOCIATION, whose address is 14221 Dallas Parkway, Suite 1000,  
Dallas, TX 75254, party of the first part, GRANTOR, and BANK OF AMERICA, N.A., whose address is Mail  
Code: AZ1-805-03-03, 2505 West Chandler Blvd. Chandler AZ 85224, party of the second part, GRANTEE

WITNESSETH, that in consideration of the sum of Ten Dollars (\$10.00), the receipt whereof in full is hereby acknowledged, the said GRANTOR does remise, release and quit-claim, any and all right, title and interest which he/she may have in and to the hereinafter described property unto the said GRANTEE, his personal representatives, heirs and assigns.

Legal: The land referred to herein below is situated in the City of Town of Lauderdale by the Sea, County of Broward, State of Florida, and is described as follows: Lot 17, of Block 2, in Terra Mar Island Estates, according to the plat thereof, recorded in Plat Book 29, Page 12 of the public records of Broward County, Florida

Commonly known as: 3270 Spanish River Pompano Beach, Fl 33062  
Tax ID: 494306-20-0380

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging or otherwise appertaining.

TO HAVE AND TO HOLD the same lot of ground and premises, above described and mentioned, and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said grantee, its successors and assigns.

AS WITNESS, the hand of GRANTOR:

FEDERAL NATIONAL MORTGAGE ASSOCIATION

By: [Signature]  
(Name, Title): JOHN CURCIO AUP

Witness:

[Signature]  
(Name) Carol Gene Daniel

Witness:

[Signature]  
(Name) Michael Sloan

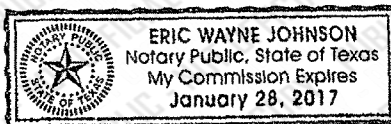
State of Texas  
County of Dallas

Before me [Signature] the undersigned, a Notary Public on this day personally appeared known to me (or proved to me on the oath of [Signature]

(officer name & title) to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FEDERAL NATIONAL MORTGAGE ASSOCIATION, a corporation, and that he/she/they had executed the same as the act of such corporation for the purpose and consideration therein expressed, and in the capacity therein stated.

Given under my hand and seal of office, this day 25 July 13 [seal]

[Signature]  
Notary:  
Notary Public






**FANNIE MAE  
CERTIFICATE OF ASSISTANT CORPORATE SECRETARY**

I, Danielle M. McCoy, Associate General Counsel and Assistant Corporate Secretary, on behalf of and under delegated authority from Christine E. Reddy, Vice President, Deputy General Counsel and Assistant Corporate Secretary, pursuant to the delegation of authority from the Corporate Secretary to the Assistant Corporate Secretary pursuant to Section 5.13 of the Bylaws of Fannie Mae, do hereby certify as follows:

John Curcio has the duly delegated authority to execute Quit Claim Deeds and Assignment of Mortgages, in the name and on behalf of Fannie Mae.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of Fannie Mae on this 17<sup>th</sup> day of August, 2012.

  
Danielle M. McCoy  
Assistant Corporate Secretary

# EXHIBIT C



**In the Circuit Court of the Seventeenth Judicial Circuit  
In and for Broward County, Florida**

BANK OF AMER NA  
Plaintiff

CACE-07-030825

VS.

Division: 11

HEIDEN, HANNELORE ; RUSSELL SAMUEL I AS TRUSTEE  
Defendant

**Certificate of Title**

The undersigned, Howard C. Forman, Clerk of the Court, certifies that he executed and filed a certificate of sale in this action on September 27, 2012, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

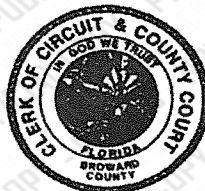
The following property in Broward County, Florida:

**LOT 17, BLOCK 2, IN TERRA MAR ISLAND ESTATES, ACCORDING TO THE PLAT  
THEREOF, RECORDED IN PLAT BOOK 29, PAGE 12, OF THE PUBLIC RECORDS  
OF BROWARD COUNTY.**

**a/k/a 3270 SPANISH RIVER, POMPAHO BEACH, FL 33062**

Was sold to: FEDERAL NATIONAL MORTGAGE ASSOCIATION  
C/O BANK OF AMERICA, N.A. 450 AMERICAN STREET SIMI VALLEY, CA, 93065

Witness my hand and the seal of this court on October 09, 2012.



Howard C. Forman, Clerk of Circuit Courts  
Broward County, Florida

Total consideration: \$37,900.00  
Doc Stamps: \$265.30



# EXHIBIT D

RECORD & RETURN TO  
WILL CALL / CTPI #4)  
COLONIAL TITLE OF PLANTATION, INC.  
2929 E. COMMERCIAL BLVD., PH-C  
FT. LAUDERDALE, FL 33308  
Helden 991324

INSTR # 99539516  
OR BK 29827 PG 0209  
RECORDED 09/08/99 11:56 AM  
COMMISSION  
BROWARD COUNTY  
DOC STMP-D 1,120.00  
DEPUTY CLERK 1931

RECORD AND  
RETURN TO

Parcel ID Number: 9306-20-0380

## Warranty Deed

This Indenture, Made this 27th day of  
JEAN H. JOHNSTONE, a single woman,

August , 1999 A.D., Between

of the County of Broward , State of Florida , grantor, and  
HANNELORE HEIDEN, a married woman,

whose address is: 1661 S.E. 19th Avenue, Pompano Beach, FL 33062

of the County of Broward State of Florida grantee.  
Witnesseth that the GRANTOR, for and in consideration of the sum of  
TEN & NO/100 (\$10.00) DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEE, and GRANTEE'S heirs and assigns forever, the following described land, situate,  
lying and being in the County of Broward State of Florida to wit:  
LOT 17, of BLOCK 2, in TERRA MAR ISLAND ESTATES, according to  
the Plat thereof, recorded in Plat Book 29, Page 12 of the  
Public Records of Broward County, Florida.

TOGETHER WITH the Grantor's rights, title and interest, if any, in  
and to the lands described as all rights, privileges, and easements  
running with the land as acquired by Deed dated April 23, 1952, and  
recorded in Deed Book 773, Page 606, of the Public Records of  
Broward County, Florida, such rights, privileges, and easements  
being not exclusive, but shall be used and enjoyed in concert with  
other Grantees in the area.

SUBJECT TO: Zoning and/or restrictions and prohibitions imposed by  
governmental authority; restrictions, easements of record, if any,  
which are not reimposed hereby, and other matters appearing on the  
plat and/or common to the subdivision; and taxes for the year of  
closing and subsequent years.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Handwritten Signature  
Printed Name: Handwritten Name

Witness  
Handwritten Signature  
Printed Name: LINDA J. BROOKS  
Witness

Handwritten Signature (Seal)  
JEAN H. JOHNSTONE  
P.O. Address c/o Samuel I. Russell P. O. Box 13450, Palm Desert  
CA 92215-3450

### STATE OF FLORIDA COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 27th day of August , 1999 by  
JEAN H. JOHNSTONE, a single woman,


who is personally known to me or who has produced her \_\_\_\_\_  
as identification.

This Document Prepared By:  
JEFFREY P. SELBACH, ESQUIRE

2401 E. ATLANTIC BLVD. SUITE 400  
POMPANO BEACH, FL 33062

Handwritten Signature  
Printed Name: Jeffrey P. Selbach  
NOTARY PUBLIC  
My Commission Expires:

© Display Systems, Inc. 1990  
(813) 763-5155 Form PLWD-2

 Jeffrey P. Selbach  
My Commission CC592714  
Expires Oct 13, 2000

# EXHIBIT E



21 KJ

IN THE CIRCUIT COURT OF THE 17TH  
JUDICIAL CIRCUIT OF FLORIDA IN AND FOR  
BROWARD COUNTY  
GENERAL JURISDICTION DIVISION  
CASE NO.

BANK OF AMERICA, N.A.,  
Plaintiff,

0730825

vs.

LIS PENDENS

HANNELORE HEIDEN AKA HANNELORE  
A HEIDEN, IF LIVING, AND IF DEAD, THE  
UNKNOWN SPOUSE, HEIRS, DEVISEES,  
GRANTEES, ASSIGNEES, LIENORS,  
CREDITORS, TRUSTEES AND ALL  
OTHER PARTIES CLAIMING AN  
INTEREST BY, THROUGH, UNDER OR  
AGAINST HANNELORE HEIDEN AKA  
HANNELORE A HEIDEN; UNKNOWN  
SPOUSE OF HANNELORE HEIDEN AKA  
HANNELORE A HEIDEN; UNKNOWN  
TENANT #1; UNKNOWN TENANT #2,

Defendants.

FILED  
CLERK OF CIRCUIT COURT  
BROWARD COUNTY, FLORIDA

07 NOV 14 AM 8:10

~~THIS IS NOT A~~  
TO THE ABOVE STYLED DEFENDANTS AND ALL OTHERS WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED of the institution of this action by Plaintiff against you  
seeking to foreclose a mortgage on the following property in BROWARD County, Florida

LOT 17, BLOCK 2, IN TERRA MAR ISLAND ESTATES, ACCORDING TO THE PLAT  
THEREOF, RECORDED IN PLAT BOOK 29, PAGE 12, OF THE PUBLIC RECORDS OF  
BROWARD COUNTY.

including the buildings and appurtenances located thereon and together with the furniture,  
furnishings and fixtures situate therein and located thereon.

DATED November 12, 2007

Ben-Ezra & Katz, P.A.  
Attorneys for Plaintiff  
2901 Stirling Road, Suite 300  
Fort Lauderdale, Florida 33312  
Telephone: (305) 770-4100  
Fax: (305) 653-2329

BY: Stacey Mauchin  
Lewis Niad  
Fla. Bar No. 0030903

FBN 117602

Our file 26731 | cda  
N:\docs\feb\Comp-2cl.doc  
7022057058

# EXHIBIT F

2

TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308

BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN

TOWN OF LAUDERDALE-BY-THE-SEA,

Petitioner

v.

Case No. 08-02-00039

Hannelore Heiden  
1661 SE 19<sup>th</sup> Ave.  
Lauderdale-By-The-Sea, FL 33062

Respondent(s).

The above referenced case was heard on April 17, 2008 and Respondent did not appear at the hearing. A Compliance date of May 19, 2008 was ordered and Compliance was not gained. The Special Magistrate also ordered an Administrative Fee of One Hundred Fifty (\$150.00) Dollars and also imposed a One Hundred (\$100.00) Dollar per day fine that continues to accrue.

The property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio # 9306-20-0380, legally described as:

TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2

Has not been brought into compliance and the Administrative Fee of One Hundred Fifty (\$150.00) Dollars and a fine of One Hundred (\$100.00) Dollars per day that began to accrue on May 20, 2008 and continues to accrue, are still owed. The Final Order was sent via certified mail on April 21, 2008. On June 6, 2008, Notice of Certification of Lien Intent was sent via certified mail for the hearing date June 18, 2008 and the property was posted on June 12, 2008. Respondent was present at the hearing.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of April 17, 2008 required the Respondent to pay an Administrative Fee of One Hundred Fifty (\$150.00) Dollars and was assessed a One Hundred (\$100.00) Dollar per day fine for the period of non-compliance.

2. The Respondent has not brought the violation into compliance and still owes the Administrative Fee of One Hundred Fifty (\$150.00) Dollars and a fine of One Hundred (\$100.00) per day commencing on May 20, 2008 continues to accrue for the period of non-compliance. Therefore, Special Magistrate imposes and certifies fines for the existing Administrative Fee of One Hundred Fifty (\$150.00) Dollars and the fine of One Hundred (\$100.00) Dollars per day commencing as of May 20, 2008 and continues to accrue for the period of non-compliance.

(4)




3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by Respondent.

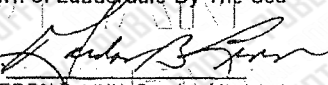
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of June, 2008.

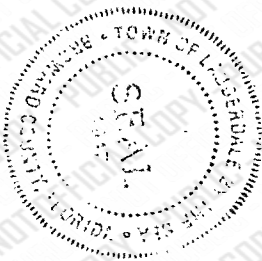
ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

Special Magistrate of the  
Town of Lauderdale-By-The-Sea

BY:   
GORDON B. LINN, Special Magistrate  
( ) Personally known to me

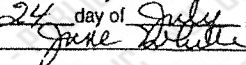
Copies furnished to:



CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

24 day of July, 2008  
 Town clerk

TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE

CASE NUMBER: 08-02-00039

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

PETITIONER

VS.

Hannelore Heiden  
1661 S. E. 19<sup>th</sup> Avenue  
Lauderdale by the Sea, FL 33062

RESPONDENT

FINAL ORDER

HEARING DATE: April 17, 2008

VIOLATION(S): CODE SECTION: 20-16(a)  
Obtain proper permits to connect to Sanitary Sewer System

An Administrative hearing was held before the Special Magistrate on April 17, 2008. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at:  
3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062 and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-20-0380

At the hearing held on this matter on April 17, 2008 the Petitioner Town presented testimony by Code Compliance Officer Kamii Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Parker stated the original notice of violation was issued on February 20, 2008 with a compliance date of March 20, 2008. Officer Parker indicated that compliance was not gained and requested that the Respondent be given until May 7, 2008 to make application for a permit and that a compliance date of May 19, 2008 be set to complete the sewer connection or a \$100.00 per day fine would be imposed. Officer Parker also requested an Administrative fee of \$150.00. The Respondent was not present.

CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 20-16(a).

Page 2.

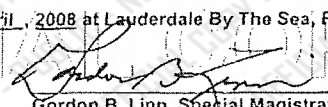
Respondent: Hannelore Heiden / 3270 Spanish River Drive  
CASE NUMBER: 08-02-00039

IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S); (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).


FINALLY, THE PETITIONER, TOWN, STATED THAT THE RESPONDENT HAD NOT BROUGHT THE PROPERTY INTO COMPLIANCE AND REQUESTED THAT THE RESPONDENT BE GIVEN UNTIL MAY 7, 2008 TO OBTAIN A PERMIT FOR THE SEWER CONNECTION AND THAT A COMPLIANCE DATE OF MAY 19, 2008 BE SET TO COMPLETE THE SEWER CONNECTION OR A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD BE IMPOSED. THE TOWN ALSO REQUESTED AN ADMINISTRATIVE FEE OF ONE HUNDRED AND FIFTY DOLLARS (\$150.00).

THE SPECIAL MAGISTRATE CONFIRMED THAT THE RESPONDENT WAS STILL IN VIOLATION AND GRANTS THE PETITIONER'S REQUEST AND ORDERS THAT THE RESPONDENT OBTAIN A PERMIT ON OR BEFORE MAY 7, 2008 AND THAT CONNECTION TO THE SEWER SYSTEM MUST BE COMPLETED NO LATER THAN MAY 19, 2008 OR A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD BE ASSESSED UNTIL COMPLIANCE IS GAINED. THE SPECIAL MAGISTRATE ALSO GRANTS THE TOWN'S REQUEST FOR THE RESPONDENT TO PAY AN ADMINISTRATIVE FEE OF ONE HUNDRED AND FIFTY DOLLARS (\$150.00).

Done and Ordered this 17TH day of April, 2008 at Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



# EXHIBIT G



Town of  
**LAUDERDALE-BY-THE-SEA**  
CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610  
Telephone: (954) 640-4210 • Fax: (954) 634-4654

TOWN OF LAUDERDALE-BY-THE-SEA.

Case No. 09-KP-00039

Petitioner,

v.

FEDERAL NATIONAL MORTGAGE ASSN.

Respondent(s).

**ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

TO: Federal National Mortgage Assn., 3270 Spanish River Drive, Lauderdale By-The-Sea, FL 33308

VIOLATION: Section 20-16, Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, Failure to connect to the sanitary Sewer System.

LOCATION OF VIOLATION: 3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33308

On March 18, 2013, an administrative hearing in the above-referenced case was held before the Special Magistrate for the Town of Lauderdale-By-The-Sea, Florida. The Respondent was not present at the hearing.

The record indicates that the Respondent(s) owns certain real property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33308 (the "subject property"), more particularly described as follows:

LEGAL DESCRIPTION: TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2

TAX FOLIO NUMBER (PROPERTY I.D.): 4943 06 20 0380

This case stems from a Notice of Violation issued on February 20, 2008 for failing to connect to the sanitary sewer system, which was heard by the Special Magistrate on February 25, 2013 and a Final Order was entered on February 26, 2013.

At the hearing held in this matter on March 18, 2013, the Town presented testimony by Code Enforcement Officer, Tucheite Torres, who testified under oath concerning her personal knowledge of the existence of the subject violation(s), and entered into record evidence of notice required under Chapter 162, Florida Statutes. The Respondent was not present at the hearing.

(4)

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The undersigned Special Magistrate finds that the Respondent(s) violated Section 20-16 of the Code and that the violation continues to exist on the subject property and the penalty per day shall be \$500.00 per day effective February 26, 2013.

2. The Respondent(s) have not correct the violation(s) on the subject property requiring connection to sanitary sewer system; and a daily fine of five hundred (\$500.00) dollars began to accrue on February 26, 2013 and continues to accrue until compliance is gained.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by Respondent.

4. Under Section 162.11, Florida Statutes, this Order may be appealed to the Circuit Court of Broward County, Florida, within 30 days of the date of this Order.

Done and ordered this 19th day of March, 2013.

SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA

By: Tom Ansbro

Tom Ansbro, Special Magistrate  
Town of Lauderdale-By-The-Sea, Florida

ATTEST:

Eleanor Norena  
Eleanor Norena, Clerk to the Special Magistrate  
Town of Lauderdale-By-The-Sea, Florida

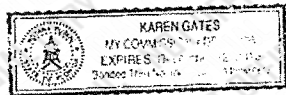
STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 29 day of March, 2013  
By Eleanor Norena and Tom Ansbro, Special Magistrate,  
respectively, of the Town of Lauderdale By The Sea, who are personally known to me and did not take an  
oath.

My commission expires: 12/22/13

Notary Public Karen Gates

Seal:







Town of

# LAUDERDALE-BY-THE-SEA

## CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610  
Telephone: (954) 640-4210 \* Fax: (954) 634-4654

TOWN OF LAUDERDALE-BY-THE-SEA,

Case No. 09-KP-00039

Petitioner,

v.

FEDERAL NATIONAL MORTGAGE ASSN.

Respondent(s).

### SPECIAL MAGISTRATE FINAL ORDER

TO: Federal National Mortgage Assn., 3270 Spanish River Drive, Lauderdale By-The-Sea, FL 33308

VIOLATION: Section 20-16, Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida,  
Failure to connect to the sanitary Sewer System.

LOCATION OF VIOLATION: 3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33308

On February 25, 2013, an administrative hearing in the above-referenced case was held before the Special Magistrate for the Town of Lauderdale-By-The-Sea, Florida. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

### FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33308 (the "subject property"), more particularly described as follows:

LEGAL DESCRIPTION: TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2

TAX FOLIO NUMBER (PROPERTY ID.): 4943 06 20 0380

This case stems from a Notice of Violation issued on February 20, 2008 for failing to connect to the sanitary sewer system, which was heard by the Special Magistrate on April 17, 2008 and a Final Order was entered on April 17, 2008.

At the hearing held in this matter on February 25, 2013, the Town presented testimony by Code Enforcement Officer, Tucheite Torres, who testified under oath concerning her personal knowledge of the existence of the subject violation(s), and entered into record evidence of notice required under Chapter 162, Florida Statutes. The Respondent was not present at the hearing.

### CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Town has met its burden of proving that the Respondent(s) violated Section 20-16 of the Code and that the violation continues to exist on the subject property.

The Respondent(s) have not correct the violation(s) on the subject property within 61 days from the April 17, 2008 Final Order requiring connection to sanitary sewer system; and

The Lauderdale-By-The-Sea Code of Ordinance provides in Sec. 20-16 that the penalty for not connecting to the sanitary sewer system after 61 days shall subject the Respondent to a fine of \$500.00 per day.

### ORDER

It is hereby ordered as follows:

Based upon the above findings of fact and conclusions of law, the undersigned Special Magistrate finds that the Respondent(s) violated Section 20-16 of the Code and that the violation continues to exist on the subject property and the penalty per day shall be \$500.00 per day effective February 26, 2013.

An administrative fee in the amount of \$100.00 is hereby imposed against the Respondent(s), which is due and payable within 60 days of the date of this Order.

In determining the fine amount to be imposed, consideration was given to the gravity of the violation(s), any action taken by the Respondent to correct the violation(s) and any previous violations committed by the Respondent(s).

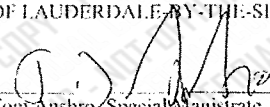
It is your responsibility to contact a Town of Lauderdale-By-The-Sea Code Enforcement Officer when the property is in compliance.

Under Section 162.11, Florida Statutes, this Order may be appealed to the Circuit Court of Broward County, Florida, within 30 days of the date of this Order.

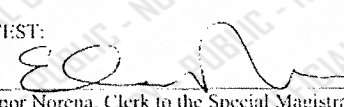
Dated this 26th day of February, 2013.

SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA

By:

  
Tom Ansbro, Special Magistrate  
Town of Lauderdale-By-The-Sea, Florida

ATTEST:

  
Eleanor Norena, Clerk to the Special Magistrate  
Town of Lauderdale-By-The-Sea, Florida

# EXHIBIT H

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 09-KM-01405**

**TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA**

**PETITIONER**

**VS.**

**Hannelore Heiden  
1661 SE 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062**

**RESPONDENT**

**FINAL ORDER**

**HEARING DATE:** September 16, 2009

**VIOLATION(S):** Overgrown Property -

**CODE SECTION: 6-41**

An Administrative hearing was held before the Special Magistrate on September 16/2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-20-0380

At the hearing held on this matter on September 16, 2009 the Petitioner Town presented testimony by Code Compliance Officer Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams cited the property on July 13, 2009 with a compliance date of July 19, 2009. Officer Williams said that the violation had not been abated and that the condition of the property presented a health and safety issue for the neighbors. Respondent Hannelore Heiden was not present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE  
UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE  
SECTION 6-41.**

4



Respondent: Hannelore Heiden  
CASE NUMBER: 09-KM-01405

Page 2.

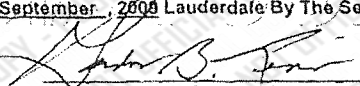
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING AND REQUESTED THAT THE TOWN BE AUTHORIZED TO ABATE VIOLATION IF THE RESPONDENT DOES NOT BRING THE PROPERTY INTO COMPLIANCE WITHIN THE TIMEFRAME SET BY THE SPECIAL MAGISTRATE.


THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY ( 30 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY ( 30 ) DAY TIMEFRAME, A ONE HUNDRED-FIFTY (\$150.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE SPECIAL MAGISTRATE GRANTS THE TOWN'S REQUEST AND AUTHORIZES THE TOWN TO ABATE THE VIOLATION UNDER THE "NUISANCE ABATEMENT REQUIREMENTS" IF THE RESPONDENT FAILS TO BRING THE PROPERTY INTO COMPLIANCE WITHIN THE SPECIFIED TIMEFRAME. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY (\$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 16<sup>TH</sup> day of September, 2009, Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

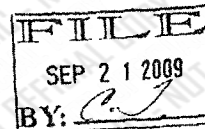
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 09-KM-01405**

**Hannelore Heiden  
1661 SE 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062**

**Respondent(s).**

The above referenced case was heard on September 16, 2009. Compliance was gained within the timeframe specified by the Final Order and Respondent Hannelore Heiden did not appear at the hearing. Special Magistrate ordered an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9306-20-0380, was brought into compliance, however, the Administrative Fee of One Hundred Fifty (\$150.00) Dollars is still owed. Final Order was mailed September 21, 2009 and a signed return receipt was not received. On September 30, 2009 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date October 21, 2009. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:


1. The Order of September 16, 2009 required the Respondent to pay an Administrative Fee of One Hundred Fifty (\$150.00) Dollars which was not paid in the specified timeframe.
2. The Respondent has continued to violate the Order of September 16, 2009 by not paying the Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the existing Administrative Fee of One Hundred Fifty (\$150.00) Dollars.
3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.


4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 21st day of October, 2009.

ATTEST:

Special Magistrate of the  
Town of Lauderdale-By-The-Sea

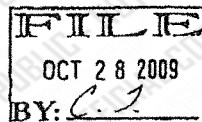
BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Hannelore Heiden  
Case No. 09-KM-01405



# EXHIBIT I



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 10-CT-00012**

**Hannelore Heiden  
1749 S. E. 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062**

**Respondent(s).**

The above referenced case was heard on February 17, 2010 and Respondent did not appear at the hearing. A Notice of Violation was issued on January 5, 2010 with a correction date of January 20, 2010. Compliance was not gained on January 20, 2010. The Special Magistrate ordered that the Respondent be given thirty (30) days from the hearing date to bring the property into compliance or a daily fine of One Hundred (\$100.00) Dollars would be assessed plus an Administrative Fee of One Hundred (\$100.00) Dollars.

The property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio # 9308-20-0380, legally described as:

**TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2**

Has not been brought into compliance and a daily fine of One Hundred (\$100.00) Dollars began to accrue on March 19, 2010 and continues to accrue until compliance is gained. The Final Order was mailed via Certified Mail on February 23, 2010. On May 4, 2010 Notice of Certification of Lien Intent was sent via certified mail for the hearing date May 18, 2010. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of February 17, 2010 required the Respondent to bring the property into compliance thirty (30) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars. An Administrative Fee of One Hundred (\$100.00) Dollars was also imposed.
2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred (\$100.00) Dollars continues to accrue as of March 19, 2010. As of the May 18, 2010 Certification of Lien Hearing, fines have

accrued to Six Thousand One Hundred (\$6,100.00) Dollars and continue to accrue. In addition, a One Hundred (\$100.00) Dollar Administrative Fee is also due and owing.

3 Therefore, Special Magistrate imposes and certifies fines for the daily fine of One Hundred (\$100.00) Dollars that continues to accrue until compliance is gained plus an Administrative Fee of One Hundred (\$100.00) Dollars.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by Respondent.

4 If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of May, 2010.

ATTEST:

BY: Colleen Turrell  
Colleen Turrell, Secretary for the Special Magistrate

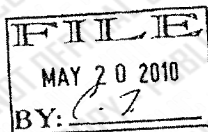
Special Magistrate of the  
Town of Lauderdale-By-The-Sea

BY: Gordon B. Linn  
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copies furnished to: 10-CT-00012

Hannelore Heiden  
1749 S. E. 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 10-CT-00012**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

Hannelore Heiden  
1661 SE 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062

**RESPONDENT**

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**AMENDED FINAL ORDER**

HEARING DATE: February 17, 2010

VIOLATION(S): Post house numbers on building per code. All numbers should be 3 inches in height.

CODE SECTION: 6-8(b)

An Administrative hearing was held before the Special Magistrate on February 17, 2010. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-20-0380

At the hearing held on this matter on February 17, 2010 the Petitioner Town presented testimony by Code Compliance Officer Cary Tullos concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Tullos cited the property on January 5, 2010 with a compliance date of January 10, 2010. Officer Tullos said that the property was in foreclosure and that she has not been able to contact the property owner and that the violation has not been abated. Respondent Hannelore Heiden was not present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6-41.**



Page 2.

Respondent: Hannelore Heiden  
CASE NUMBER: 10-CT-00012

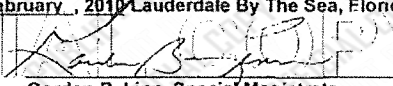
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S); (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY ( 30 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY ( 30 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE AND WOULD ACCRUE UNTIL COMPLIANCE IS GAINED. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED (\$100.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of February, 2010 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



# EXHIBIT J

3

**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308**

**BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN**

**TOWN OF LAUDERDALE-BY-THE-SEA,**

**Petitioner**

**v.**

**Case No. 10-CT-00014**

**Hannelore Heiden  
1661 S. E. 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062**

**Respondent(s)**

The above referenced case was heard on February 17, 2010 and Respondent did not appear at the hearing. A Notice of Violation was issued on January 5, 2010 with a correction date of January 12, 2010. Compliance was gained on January 12, 2010. The Special Magistrate ordered that the Respondent be given thirty (30) days from the hearing date to bring the property into compliance or a daily fine of One Hundred (\$100.00) Dollars would be assessed plus an Administrative Fee of One Hundred (\$100.00) Dollars was imposed.

The property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio # 9306-20-0380, legally described as:  
TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2

Has been brought into compliance, however, a daily fine of One Hundred (\$100.00) Dollars began to accrue on March 19, 2010 and continued to accrue until compliance was gained on April 20, 2010. The Final Order was mailed via Certified Mail on February 23, 2010. On May 4, 2010 Notice of Certification of Lien Intent was sent via certified mail for the hearing date May 18, 2010. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of February 17, 2010 required the Respondent to bring the property into compliance thirty (30) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars. In addition, An Administrative Fee of One Hundred (\$100.00) Dollars was also imposed.

2. The Respondent has brought the violation into compliance, however, the Respondent has continued to violate the order of February 17, 2010 by not paying the Administrative Fee of One Hundred (\$100.00) Dollars and the daily fine of One Hundred (\$100.00) Dollars that accrued for thirty-two (32) days for the period of non-compliance. At the May 18, 2010 Certification of Lien Hearing, testimony indicates that the fines due and owing for the period of non-compliance is Three Thousand Two Hundred (\$3,200.00) Dollars plus an Administrative Fee of One Hundred (\$100.00) Dollars.

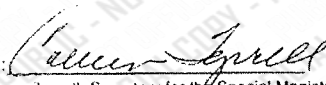
3. Therefore, Special Magistrate imposes and certifies fines for the daily fine of One Hundred (\$100.00) Dollars that accrued for thirty-two (32) to a total amount of Three Thousand Two Hundred (\$3,200.00) Dollars for the period of non-compliance plus an Administrative Fee of One Hundred (\$100.00) Dollars.

4. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by Respondent.

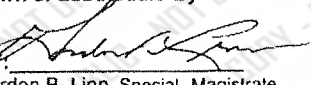
5. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 18th day of May, 2010.

ATTEST

BY:   
Colleen Tyrell, Secretary for the Special Magistrate

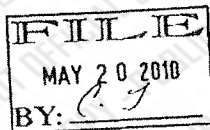
Special Magistrate of the  
Town of Lauderdale-By-The-Sea

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copies furnished to: 10-CT-00014

Hannelore Heiden  
1661 S. E. 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062



**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 10-CT-00014**

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

**PETITIONER**

**VS.**

Hannelore Heiden  
1661 SE 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062

**RESPONDENT**

---

**FINAL ORDER**

HEARING DATE: February 17, 2010

VIOLATION(S): Overgrowth of property / Vegetation. Mow, cut, trim overgrown vegetation and maintain.

CODE SECTION: 6-41 (18)

An Administrative hearing was held before the Special Magistrate on February 17, 2010. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-20-0380

At the hearing held on this matter on February 17, 2010 the Petitioner Town presented testimony by Code Compliance Officer Cary Tullos concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Tullos cited the property on January 5, 2010 with a compliance date of January 12, 2010. Officer Tullos presented photos of the property that were taken the day of hearing that accurately depicts the condition of the property. Officer Tullos said that the property was in foreclosure and that she has not been able to contact the property owner and that the violation has not been abated. Respondent Hannelore Heiden was not present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 6-41 (18).**



Respondent: Hannelore Holden  
CASE NUMBER: 10-CT-00014

Page 2.

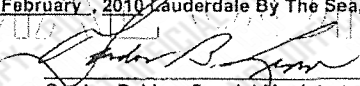
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S); (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

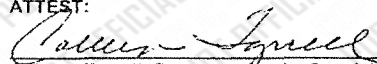
THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY ( 30 ) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY ( 30 ) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD COMMENCE AND WOULD ACCRUE UNTIL COMPLIANCE IS GAINED. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED (\$100.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 17<sup>TH</sup> day of February, 2010, Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

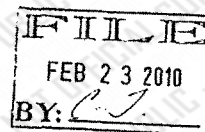
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



# EXHIBIT K

TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
4501 N. OCEAN DRIVE  
Lauderdale-By-The-Sea, Florida 33308

BEFORE THE SPECIAL MAGISTRATE  
ORDER IMPOSING FINE/CERTIFICATE OF LIEN

TOWN OF LAUDERDALE-BY-THE-SEA,

Petitioner

v.

Case No. 10-KM-00356

Hannelore Heiden  
1749 SE 19<sup>th</sup> Avenue  
Lauderdale-By-The-Sea, FL 33062

Respondent(s).

The above referenced case was heard on May 18, 2010 and Respondent Hannelore Heiden did not appear at the hearing. Special Magistrate ordered that the Respondent be given thirty (30) days to bring the property into compliance or a daily fine of One Hundred (\$100.00) Dollars would be assessed until compliance is gained plus a One Hundred Fifty (\$150.00) Dollar Administrative Fee was imposed. Compliance was not gained. The case was again heard on September 15, 2010 and the Town testified that the home was vacant and not generating any trash and requested that the final order of May 18, 2010 be revoked and requested that the Special Magistrate issue a new final order assessing a one-time flat fine of Five Hundred (\$500.00) Dollars plus a One Hundred Fifty (\$150.00) Dollar Administrative Fee. The Special Magistrate instructed the Town to check the Florida State Statute 162.22 regarding the maximum fine amount and return to the next scheduled hearing. The case was again heard on October 20, 2010 and the Special Magistrate granted the Town's request and revoked the May 18, 2010 final order and imposed a maximum penalty of Five Hundred (\$500.00) Dollars as stipulated in Florida State Statute 162.22 plus a One Hundred Fifty (\$150.00) Dollar Administrative Fee.

The property located at 3270 Spanish River Drive, Lauderdale-By-The-Sea, Florida, corresponding to Folio #9306-20-0380, was not brought into compliance. The Final Order was mailed October 27, 2010 and a signed return receipt was not received. On November 3, 2010 Notice of Certification of Lien Intent was sent by Certified Mail for the hearing date November 17, 2010. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:


1. The Order of October 20, 2010 required the Respondent to pay a one-time flat penalty of Five Hundred (\$500.00) Dollars as stipulated in the Florida State Statute 162.22 plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

(4)


2. The Respondent has continued to violate the Order of October 20, 2010 by not paying a one-time flat penalty of Five Hundred (\$500.00) Dollars plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars. Therefore, the Special Magistrate imposes and certifies fines for the existing flat fine of Five Hundred (\$500.00) Dollars as stipulated in the Florida State Statute 162.22 plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.
3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exist, and upon any other real or personal property owned by Respondent.
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 17th day of November 2010.

ATTEST:

BY:   
Colleen Tyrrell, Secretary for the Special Magistrate

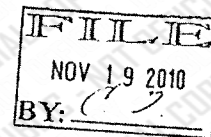
Special Magistrate of the  
Town of Lauderdale-By-The-Sea

BY:   
Gordon B. Linn, Special Magistrate

( ) Personally known to me

Copied furnished to:

Hannelore Heiden  
Case No. 10-KM-00356





**TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE**

**CASE NUMBER: 10-KM-00356**

**TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA**

**PETITIONER**

**VS.**

**HANNELORE HEIDEN  
1749 SE 19<sup>TH</sup> Avenue  
Pompano Beach, FL 33062-7633**

**RESPONDENT**

---

**FINAL ORDER**

**HEARING DATE:** October 20, 2010

**VIOLATION(S):** No trash service. Must maintain trash service with Choice Waste. **CODE SECTION:** 10-27

An Administrative hearing was held before the Special Magistrate on October 20, 2010. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

**FINDINGS OF FACT**

The record indicates that the Respondent(s) owns certain real property located at:  
**3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062** and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-20-0380

At the hearing held on this matter on October 20, 2010 the Petitioner Town presented testimony by Code Compliance Officer Kimberly Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams said that the property still was not in compliance and that the home was vacant and was not generating any trash. Since the vacant home does not present a nuisance to the neighboring properties, the Town is requesting that the final order of May 18, 2010 be revoked and that a flat fine of \$500.00 be assessed as stipulated in Florida State Statute 162.22 and that a \$150.00 Administrative Fee also be imposed. The Respondent was not present at the hearing.

**CONCLUSIONS OF LAW**

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

**ORDER**

**THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 10-27.**

HANNELORE HEIDEN  
CASE NUMBER: 10-KM-00356

Page 2.

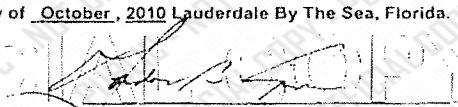
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S); (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.


THE SPECIAL MAGISTRATE GRANTS THE TOWN'S REQUEST AND REVOKES HIS PREVIOUS ORDER OF MAY 18, 2010 AND IMPOSES A MAXIMUM PENALTY OF FIVE HUNDRED (\$500.00) DOLLARS AS STIPULATED IN FLORIDA STATE STATUTE 162.22. IN ADDITION, A ONE HUNDRED FIFTY (\$150.00) DOLLAR ADMINISTRATIVE FEE IS IMPOSED.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 20<sup>th</sup> day of October, 2010 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

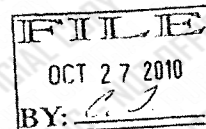
Cc to N/A

Note: Please make your check payable to

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



# EXHIBIT L



Town of  
**LAUDERDALE-BY-THE-SEA**  
CODE COMPLIANCE SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610  
Telephone: (954) 776-3611 \* Fax: (954) 776-3431

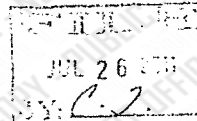
TOWN OF LAUDERDALE-BY-THE-SEA

Case No. 11-KW-00048

Petitioner,

HANNELORE HEIDEN,

Respondent.



**SPECIAL MAGISTRATE ORDER IMPOSING FINE AND CERTIFICATION OF LIEN**

TO: Hannelore Heiden, 538 Riverside Drive, Daytona Beach, FL 32117-3739

VIOLATION: Section 105.1 of the Florida Building Code ( Fence and gate erected to close off carport without a permit. Remove fence and gate.

LOCATION OF VIOLATION: 3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062

On July 20, 2011, an administrative hearing in the above-referenced case was held before the Special Magistrate. Set below are the findings of fact, conclusions of law and order imposing and certifying fine.

**FINDINGS OF FACT**

The record indicates that the Respondent owns certain real property located at 3270 Spanish River Drive, Lauderdale-By-The Sea, FL 33062 (the "subject property"), more particularly described as follows:

LEGAL DESCRIPTION: TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2, according to the Plat thereof, recorded in Plat Book 29, Page 12, of the Public Records of Broward County, Florida

TAX FOLIO NUMBER (PROPERTY ID.): 4943 06 20 0380

This case stems from a Notice of Violation issued on January 10, 2011 for erecting a fence and gate to close off carport without a permit. This case was previously before the Special Magistrate on February 16, 2011.

On February 16, 2011, the Special Magistrate found the Respondent guilty of violating Section 105.1 of the Florida Building Code (the "Code"), ordered the Respondent to bring the property into compliance by March 18, 2011, provided the Respondent with notice that a daily fine in the amount of \$75.00 per day would begin to accrue on March 19, 2011, if the violation was not corrected by the date specified in the Final Order and imposed an administrative fee in the amount of \$150.00.

On July 20, 2011 Code Compliance Officer, Kim Williams, testified under oath that the Respondent did perform the corrective action and brought the violation into compliance on March 23, 2011. The daily fine of

(1)



Respondent: Hanneleide Heiden - 3270 Spanish River Drive - Case # 11-KW-00048

\$75.00 accrued for four days for a total amount due and owing of \$300.00. Additionally, administrative costs imposed under the February 16, 2011 Order are hereby certified in the amount of \$150.00. Total amount to be certified and recorded is \$450.00. The Respondent was not present at the hearing, however, Code Compliance Officer Williams testified that she provided notice to the Respondent by certified mail on July 8, 2011.

#### CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Town has met the burden of proving by substantial competent evidence that there was a violation of Section 105.1 of the Florida Building Code, that a violation did exist on the subject property and that the Respondent was in compliance at or prior to the subject hearing.

It is hereby ordered as follows:

The Respondent must correct the violation on the subject property and pay the administrative fee previously ordered by March 18, 2011.

It having been brought to the Special Magistrate's attention that the Respondent did not comply with the above-referenced Order, in consideration of the gravity of the violation, any actions taken by the Respondent to correct the violation, and any previous violations committed by the Respondent as evidence by the record in this case, if the violation is not corrected by March 18, 2011, a fine is hereby imposed and certified in the amount of \$75.00 per day, beginning on March 19, 2011 until compliance or judgment is entered by a court of competent jurisdiction. As of the July 20, 2011 hearing, the daily fine accrued for four days to a total amount of \$300.00 for the period that corrective action was not taken by the Respondent.

Additionally, the administrative costs imposed under the February 16, 2011 Order are hereby certified in the amount of \$150.00.

Pursuant to Section 162.09, Florida Statutes, this Order imposing fine and administrative fee may be recorded in the Public Records of Broward County and, once recorded, shall constitute a lien against the property upon which the violation exists and upon and real or personal property owned by the Respondent. Upon petition to the circuit court, such Order may be enforced in the same manner as a court judgment by the sheriffs of the state, including levy against personal property, but it shall not be deemed to be a court judgment except for enforcement purposes.

Under Section 162.11, Florida Statutes, this Order may be appealed to the Circuit Court of Broward County, Florida within 30 days of the date of this Order.

Dated this 20<sup>th</sup> day of July, 2011

SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA

By:   
Gordon B. Linn

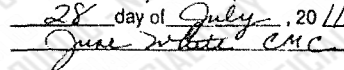
ATTEST:

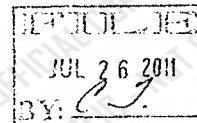
  
Colleen Tyrrell, Secretary for the Special Magistrate

#### CERTIFICATION

Cc to: Bank of America  
I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

28 day of July, 2011  
 Town clerk



TOWN OF LAUDERDALE BY THE SEA  
MUNICIPAL CORPORATION OF FLORIDA  
CODE COMPLIANCE SPECIAL MAGISTRATE

CASE NUMBER: 11-KW-00048

TOWN OF LAUDERDALE BY THE SEA,  
MUNICIPAL CORPORATION OF FLORIDA

PETITIONER

VS.

Hannelore Heiden  
538 Riverside Drive  
Daytona Beach, FL 32117-3739

RESPONDENT

FINAL ORDER

HEARING DATE: February 16, 2011

VIOLATION(S): Fence & gate erected to close off carport without a permit. Remove fence and gate.  
CODE SECTION: F.B.C. 105.1

An Administrative hearing was held before the Special Magistrate on February 16, 2011. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at:  
3270 Spanish River Drive, Lauderdale-By-The-Sea, FL 33062 and more particularly described as follows:

Tax Folio Number ( Property I.D. ): 9306-20-0380

At the hearing held on this matter on February 16, 2011 the Petitioner Town presented testimony by Code Compliance Officer Kimberly Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams said that the property was in foreclosure and that the bank was working to try and remedy the violation. Therefore, the bank needed additional time to arrange to have the fence and gate removed. Officer Williams presented photos of the violation that truly and accurately depicted the violation at the time they were taken and were entered into evidence as Town's Composite Exhibit A. The Respondent was not present at the hearing.

CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION F.B.C.105.1.

Hannelore Heiden  
CASE NUMBER: 11-KW-00048

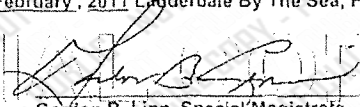
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

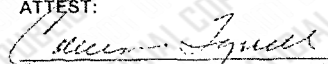
THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY ( 30 ) DAYS FROM THE HEARING DATE TO BRING THE PROPERTY INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY ( 30 ) DAY TIMEFRAME, A SEVENTY-FIVE (\$75.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED-FIFTY (\$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 16<sup>TH</sup> day of February, 2011 Lauderdale By The Sea, Florida.

  
Gordon B. Linn, Special Magistrate

ATTEST:

  
Colleen Tyrrell, Secretary for the Special Magistrate

Cc to: BANK OF AMERICA  
301 Vanderbilt Way  
San Bernadino, CA 92408

#### CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

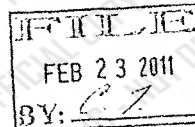
28 day of July, 20 11  
Joan White CMC Town clerk

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to

4501 Ocean Drive  
Lauderdale-By-The-Sea, FL 33308



# EXHIBIT M





**In the Circuit Court of the Seventeenth Judicial Circuit  
In and for Broward County, Florida**

BANK OF AMER NA  
Plaintiff

CACE-07-030825

VS.

Division: 11

HEIDEN, HANNELORE : RUSSELL SAMUEL I AS TRUSTEE  
Defendant

**Certificate of Title**

The undersigned, Howard C. Forman, Clerk of the Court, certifies that he executed and filed a certificate of sale in this action on September 27, 2012, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

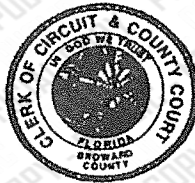
The following property in Broward County, Florida:

**LOT 17, BLOCK 2, IN TERRA MAR ISLAND ESTATES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 29, PAGE 12, OF THE PUBLIC RECORDS OF BROWARD COUNTY.**

**a/k/a 3270 SPANISH RIVER, POMPANO BEACH, FL 33062**

Was sold to: FEDERAL NATIONAL MORTGAGE ASSOCIATION  
C/O BANK OF AMERICA, N.A. 450 AMERICAN STREET SIMI VALLEY, CA, 93065

Witness my hand and the seal of this court on October 09, 2012.



Howard C. Forman, Clerk of Circuit Courts  
Broward County, Florida

Total consideration: \$37,900.00  
Doc Stamps: \$265.30

# EXHIBIT N

2



Town of Lauderdale-By-The-Sea  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308

OFFICE OF THE SPECIAL MAGISTRATE  
4501 OCEAN DRIVE  
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA 33308

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

Petitioner,

vs.

FEDERAL NATIONAL MORTGAGE ASSN & %  
BANK OF AMERICA NA

Respondent(s)

Case #:

13010016

**ORDER OF IMPOSITION OF FINE AND CLAIM OF LIEN**

TO: FEDERAL NATIONAL MORTGAGE ASSN  
& % BANK OF AMERICA NA  
450 AMERICAN ST - SIMI VALLEY , CA 93065

The Town of Lauderdale-By-The-Sea Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Town of Lauderdale-By-The-Sea Special Magistrate did issue on 3/18/2013, a Final Order in the above captioned case commanding the Respondent(s) to bring the violation(s) specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on dates shown below plus an additional fine to cover costs incurred by the City in the amount of \$100.00.

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 6 - Building and Building Regulations...	Section 6-37(1) (a). - Maintenance appearance standards.	The owner and operator of all properties governed by the code shall maintain the exterior of the premises in such a manner to conform with all Town codes and ordinances; avoid blighting influences on neighboring properties; and avoid the creation of ...	4/2/2013		\$250.00

2. That said violation occurred on the following described real property situate, lying and being in Broward County, Florida, to-wit:

FOLIO #: 494306200380

(5)



**LEGAL DESCRIPTION:** TERRA MAR ISLAND ESTATES 29-12 B  
LOT 17 BLK 2  
**STREET ADDRESS:** 3270 SPANISH RIVER Dr LAUDERDALE  
BY THE SEA, FL 33062

3. That the Respondent(s) did not comply with the Final Order on or before the date specified therein.

Upon complying with this Final Order, the Respondent(s) **SHALL NOTIFY Sanchez, C.**, the Code Compliance Inspector, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Inspector. **Additionally, a fine of \$100.00 to cover costs incurred in the prosecution of this matter is confirmed and imposed.**

5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this Order in the Public Records of Broward County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violation(s) was/were timely complied. A written request for a hearing **MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE.** You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Broward County, constituting a lien on the subject real property.

Respondents may appeal a final administrative order of the Special Magistrate for the Town of Lauderdale-By-The-Sea to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

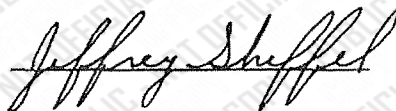
DONE AND ORDERED this July 26, 2013

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA,  
FLORIDA



SPECIAL MAGISTRATE CLERK

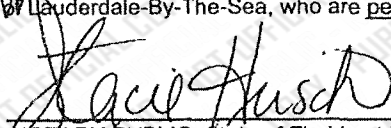


SPECIAL MAGISTRATE

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 26 day of July, 2013 by Jeffrey Sheffel and \_\_\_\_\_, Special Magistrate, respectively, of the Town of Lauderdale-By-The-Sea, who are personally known to me and who did not take an oath.

My Commission Expires:

  
NOTARY PUBLIC, State of Florida at Large





\_\_\_\_\_  
Print, type or stamp name of Notary

\_\_\_\_\_  
Commission Number, if any

Note: Mail your payment to the above address made payable to The Town of Lauderdale-By-The-Sea.

THIS IS NOT AN  
OFFICIAL COPY



Town of Lauderdale-By-The-Sea  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308

**OFFICE OF THE SPECIAL MAGISTRATE**

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

Case #: 13010016

Petitioner,  
vs.  
FEDERAL NATIONAL MORTGAGE ASSN & %  
BANK OF AMERICA NA

Respondent(s)

**FINAL ORDER OR STIPULATED FINAL ORDER**

**IN RE:**

**STREET ADDRESS:** 3270 SPANISH RIVER Dr LAUDERDALE  
BY THE SEA, FL 33062

**FOLIO:** 494306200380

**LEGAL DESCRIPTION:** TERRA MAR ISLAND ESTATES 29-12 B  
LOT 17 BLK 2

The Town of Lauderdale-By-The-Sea Special Magistrate, having heard testimony under oath and argument at a Public Hearing, in reference to the above-described property, held Monday, March 18, 2013, after due notice to the Respondent(s). The Respondent(s) were not present nor represented at the hearing.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the evidence submitted, the Special Magistrate finds the Respondent(s), on the above-referenced property have certain violation(s) and there exists, as a matter of law, those violation(s) of Section(s) of the Town of Lauderdale-By-The-Sea Code of Ordinances. Specific Code Section(s) and description of the violation(s) listed below:

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 6 - Building and Building Regulations...	Section 6-37(1) (a). - Maintenance appearance standards.	The owner and operator of all properties governed by the code shall maintain the exterior of the premises in such a manner to conform with all Town codes and ordinances; avoid blighting influences on neighboring properties; and avoid the creation of ...	4/2/2013		\$250.00

Notes:

The Special Magistrate has ordered the property owner to obtain the proper building permits to repair the roof within 15 days.

Accordingly, the Respondent(s) are ordered to bring the property into compliance prior to dates shown above.

Upon complying with this Final Order, the Respondent(s) **SHALL NOTIFY Sanchez, C.**, the Code Compliance Inspector, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Broward County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can be fined up to \$500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when compliance has been reached. **The Special Magistrate has also assessed an additional fine of \$100.00 to cover costs incurred by the Town in the prosecution of this matter.** Said amount is now due, and if not paid, may also constitute a lien against the above-referenced property which may also be actionable by law.

You may also have other rights which are set forth in Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances.

Respondents may appeal any decision with respect to any matter considered by the Town of Lauderdale-By-The-Sea Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Section 286.0105, Florida Statutes.

For further information, please contact the Code Compliance Inspector at 954-640-4220

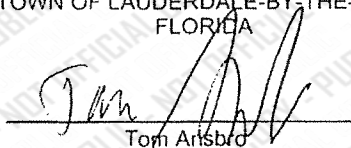
DONE AND ORDERED this 18<sup>th</sup> day of March 2013.

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA,  
FLORIDA



SPECIAL MAGISTRATE CLERK

  
Tom Arisbro

SPECIAL MAGISTRATE

Note: Payments should be mailed to the above address made payable to The Town of Lauderdale-By-The-Sea.

# EXHIBIT O



5



Town of Lauderdale-By-The-Sea  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308

OFFICE OF THE SPECIAL MAGISTRATE  
4501 OCEAN DRIVE  
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA 33308

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

Petitioner,

vs

FEDERAL NATIONAL MORTGAGE ASSN %  
BANK OF AMERICA NA

Respondent(s)

Case #: 13060012

**ORDER OF IMPOSITION OF FINE AND CLAIM OF LIEN**

TO: FEDERAL NATIONAL MORTGAGE ASSN  
% BANK OF AMERICA NA  
450 AMERICAN ST SIMI VALLEY, CA 93065

The Town of Lauderdale-By-The-Sea Special Magistrate, having reviewed evidence and sworn testimony by Affidavit, enters the following Findings of Fact:

1. That the Town of Lauderdale-By-The-Sea Special Magistrate did issue on 7/15/2013, a Final Order in the above captioned case commanding the Respondent(s) to bring the violation(s) specified in said Final Order into compliance or be subject to a fine in the amounts shown below commencing on dates shown below plus an additional fine to cover costs incurred by the City in the amount of \$250.00.

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 6 - Building and Building Regulations	Section 6-40(a) - Garbage, rubbish and/or weeds.	No owner, occupant or operator of any property shall deposit, cause to be deposited, or fail to remove when deposited, any rubbish, garbage or other refuse on the property.	8/4/2013		\$250.00

2. That said violation occurred on the following described real property situate, lying and being in Broward County, Florida, to-wit:

FOLIO #: 494306200380

5

LEGAL DESCRIPTION: TERRA MAR ISLAND ESTATES 29-12 B  
LOT 17 BLK 2  
STREET ADDRESS: 3270 SPANISH RIVER Dr LAUDERDALE  
BY THE SEA, FL 33062

3 That the Respondent(s) did not comply with the Final Order on or before the date specified therein.

Upon complying with this Final Order, the Respondent(s) **SHALL NOTIFY** Torres, T., the Code Compliance Inspector, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

4. A fine in the amounts shown above commencing on dates shown above is hereby confirmed and imposed. This fine shall continue to accrue until such time as the property is brought into compliance at which time the Respondent shall notify the Code Compliance Inspector. Additionally, a fine of \$250.00 to cover costs incurred in the prosecution of this matter is confirmed and imposed.

5. The fine and costs shall constitute a lien against the above-described real property pursuant to Chapter 162, Florida Statutes and Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances, as currently enacted or as may be amended from time to time. The Special Magistrate Clerk is directed to record a true copy of this Order in the Public Records of Broward County, Florida. Any such lien which accrues more than (90) days after the date it is recorded and which remains unpaid, may be referred to a collection agency which shall result in the imposition of additional collection fees.

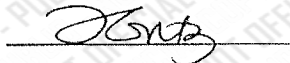
You may request, in writing, a hearing before the Special Magistrate to contest the finding of non-compliance and imposition of fines. Said hearing shall be limited to consideration of whether the violation(s) was/were timely complied. A written request for a hearing **MUST BE MADE TO THE OFFICE OF THE SPECIAL MAGISTRATE AND RECEIVED WITHIN TWENTY (20) DAYS OF THE DATE OF THIS NOTICE.** You will be notified of a hearing date and time. If no timely request is received, this Order Imposing Fine and Claim of Lien entered by the Special Magistrate will be recorded in the Public Records of Broward County, constituting a lien on the subject real property.

Respondents may appeal a final administrative order of the Special Magistrate for the Town of Lauderdale-By-The-Sea to the Circuit Court. An appeal must be filed within thirty (30) days of the execution of the Order to be appealed.

DONE AND ORDERED this September 17, 2013

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA,  
FLORIDA



SPECIAL MAGISTRATE CLERK




SPECIAL MAGISTRATE

STATE OF FLORIDA  
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 23 day of Sept.

2013 by \_\_\_\_\_ and \_\_\_\_\_, Special Magistrate, respectively, of the Town of Lauderdale-By-The-Sea, who are personally known to me and who did not take an oath.

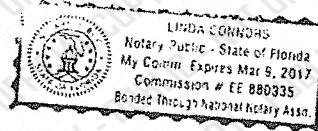
My Commission Expires:

  
NOTARY PUBLIC, State of Florida at Large

LINDA CONNORS  
Print, type or stamp name of Notary

Commission Number, if any

Note: Mail your payment to the above address made payable to The Town of Lauderdale-By-The-Sea.





Town of Lauderdale-By-The-Sea  
4501 Ocean Drive  
Lauderdale-By-The-Sea, Florida 33308

**OFFICE OF THE SPECIAL MAGISTRATE**

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

Case #: 13060012

Petitioner,

vs.

FEDERAL NATIONAL MORTGAGE ASSN %  
BANK OF AMERICA NA

Respondent(s)

**FINAL ORDER OR STIPULATED FINAL ORDER**

IN RE:

STREET ADDRESS: 3270 SPANISH RIVER Dr LAUDERDALE  
BY THE SEA, FL 33062

FOLIO: 494306200380

LEGAL DESCRIPTION: TERRA MAR ISLAND ESTATES 29-12 B  
LOT 17 BLK 2

The Town of Lauderdale-By-The-Sea Special Magistrate, having heard testimony under oath and argument at a Public Hearing, in reference to the above-described property, held Monday, July 15, 2013, after due notice to the Respondent(s). The Respondent(s) were not present nor represented at the hearing.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based on the evidence submitted, the Special Magistrate finds the Respondent(s), on the above-referenced property have certain violation(s) and there exists, as a matter of law, those violation(s) of Section(s) of the Town of Lauderdale-By-The-Sea Code of Ordinances. Specific Code Section(s) and description of the violation(s) listed below:

Ordinance/Regulation	Section	Description	Order Date to Comply by	Date Complied	Daily Fine
Chapter 6 - Building and Building Regulations	Section 6-40(a) - Garbage, rubbish and/or weeds.	No owner, occupant or operator of any property shall deposit, cause to be deposited, or fail to remove when deposited, any rubbish, garbage or other refuse on the property	8/4/2013		\$250 00

Accordingly, the Respondent(s) are ordered to bring the property into compliance prior to dates shown above.



Upon complying with this Final Order, the Respondent(s) **SHALL NOTIFY Torres, T.**, the Code Compliance Inspector, who shall have the property inspected and notify the Special Magistrate Clerk if compliance has occurred.

If the owner(s) fail(s) to comply, an Order Imposing Fine in the amounts shown above for every day that the violation continues to exist commencing on the dates shown above will be entered and a certified copy shall be recorded in the Public Records of Broward County, Florida and shall constitute a lien against the above-described real property or personal property owned by the violator. (Section 162.09, Florida Statutes). This Order may be enforced like a court judgment. Repeat violations can be fined up to \$500.00 per day. (Section 162.09, Florida Statutes). Property owner(s) has/have 30 days from date this Final Order is executed to file an appeal in circuit court. (Section 162.11, Florida Statutes). The property owner must contact the Code Compliance Department to advise when compliance has been reached. **The Special Magistrate has also assessed an additional fine of \$250.00 to cover costs incurred by the Town in the prosecution of this matter.** Said amount is now due, and if not paid, may also constitute a lien against the above-referenced property which may also be actionable by law.

You may also have other rights which are set forth in Chapter 6.5 of the Town of Lauderdale-By-The-Sea Code of Ordinances.

Respondents may appeal any decision with respect to any matter considered by the Town of Lauderdale-By-The-Sea Special Magistrate. An appeal must be filed within (30) days of the execution of the Order to be appealed. If a person decides to appeal any decision, such person will need a record of the proceedings and that, for this purpose, such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. Section 286.0105, Florida Statutes.

For further information, please contact the Code Compliance Inspector at 954-640-4220

DONE AND ORDERED this

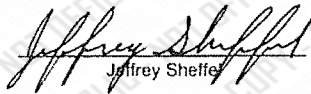
19<sup>th</sup> day of July, 2013

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE  
TOWN OF LAUDERDALE-BY-THE-SEA,  
FLORIDA

  
\_\_\_\_\_

SPECIAL MAGISTRATE CLERK

  
Jeffrey Sheffield

SPECIAL MAGISTRATE

Note: Payments should be mailed to the above address made payable to The Town of Lauderdale-By-The-Sea.

# EXHIBIT P

TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION

TOWN OF LAUDERDALE-BY-THE-SEA,

Petitioner,

CASE NO(s):

08-02-00039  
09-KP-0039  
09-KM-01405  
10-CT-00012  
10-CT-00013  
10-CT-00014  
10-KM-00356  
11-KW-00048  
11-KW-00606  
13-010016  
13-060012

v.

Federal National Mortgage Association  
c/o Bank of America,

Respondent.

ORDER REDUCING CODE ENFORCEMENT LIENS

This cause was heard on September 10, 2013, before the Town Commission of the Town of Lauderdale-By-The-Sea, Florida (the "Town Commission"), upon the request of James Ober, who is under contract to purchase the subject property from Bank of America (the "Applicant"). Based upon the testimony and evidence presented, the Town Commission makes the following findings:

1. With reference to Case Numbers 08-02-00039; 09-KM-01405; 10-CT-00012; 10-CT-00013; 10-CT-00014; 10-KM-00356; 11-KW-00048, and; 11-KW-00606 Orders imposing and certifying fines were previously entered in this cause against Hannelore Heiden (the previous owner) for violations of the Town Code,

2. With reference to Case Numbers 09-KP-0039; 13-010016, and; 13-060012 Orders imposing and certifying fines were previously entered in this cause against Federal National Mortgage Association c/o Bank of America (the current owner) for violations of the Town Code.

3. The eleven (11) violations, which were the subject of this proceeding, occurred on the following real properties located in the Town of Lauderdale-By-The-Sea, Florida: at 3270 Spanish River Drive, bearing property ID number 4943 06 20 0380, and legally described as TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2 (the "Property").

4. The following code violations have been corrected:

- (i) Case number 09-KM-01405 was corrected on October 1, 2009;
- (ii) Case number 10-CT-00012 was corrected on May 5, 2010;
- (iii) Case number 10-CT-00014 was corrected on April 20, 2010;
- (iv) Case number 10-KM-00356 was corrected on September 15, 2010;
- (v) Case number 11-KW-00048 was corrected on March 3, 2011, and;
- (vi) Case number 11-KW-00606 was corrected On September 14, 2011.

5. The following code violations have NOT been corrected:

- (i) Case number 08-02-00039;
- (ii) Case number 09-KP-0039;
- (iii) Case number 10-CT-00013;
- (iv) Case number 13-010016, and;
- (v) Case number 13-060012.



6. As of September 10, 2013, the accrued fines under the Orders Imposing Fine/Certificate of Lien totaled Four Hundred Fifty Nine Thousand One Hundred Fifty and 00/100 Dollars (\$459,150.00), not including interest and administrative fees.

7. On August 30, 2013, the Applicant, requested that the Town Commission reduce the fines and liens.

8. Pursuant to Resolution 2010-13, reductions of code enforcement fines or liens that exceed 50% of the total amount of money owed to the Town require Town Commission approval.

9. Staff reviewed and evaluated the sufficiency of the Application for Relief from Code Enforcement Fines or Liens filed on behalf of the Respondent by the Applicant and provided a recommendation. The Town Commission considered the recommendation of staff and the relevant factors which justify relief in this matter.

It is, therefore, ORDERED:

1. Provided that the Applicant complies in full with the terms of this Order, the fines imposed against the Respondent are reduced to the amount of One Hundred Fourteen Thousand Seven Hundred Eighty-Seven and 50/100 Dollars (\$114,787.50) together with One Thousand Four Hundred Forty Dollars (\$1,440.00) in administrative fees, for a total of One Hundred Sixteen Thousand Two Hundred Twenty-Seven and 50/100 Dollars (\$116,227.50). The Applicant shall pay the amount of the reduced fines in secured funds (cashier's check or money order) within 30 days of the date of this Order.

2. Each of the above referenced Town Code violations which have not yet been corrected on the Property shall be corrected within 120 days subsequent to the date of closing and purchase of the Property from the Respondent to James Ober.

3. This Order shall not be recorded and is not intended to substitute for a release of any of the above referenced Code Violation fines or liens.

4. If the Respondent does not comply in a timely manner with this Order, the original amount of the fines and liens as set forth above shall be reinstated automatically and no further reductions in fine or lien shall be considered.

5. This Order shall supersede those Orders Imposing Fine/Certificate of Lien entered by the Special Magistrate of the Town of Lauderdale-By-The-Sea, and all other prior code enforcement orders in the above-referenced cases which are in conflict with this Order.

PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 10<sup>th</sup> day of September 2013.

---

MAYOR ROSEANN MINNET

ATTEST:

---

Vanessa Castillo, Town Clerk

Approved as to form:

---

Susan L. Trevarthen, Town Attorney

# EXHIBIT Q

LAW OFFICES OF  
DANE STANISH, P.A.

2200 Hollywood Boulevard  
Hollywood, Florida 33020

Dane T. Stanish, Attorney at Law  
Jared G. Anton, Paralegal

Telephone: (954) 933-0524  
Facsimile: (954) 212-0720  
Email: dstanish@gmail.com

September 17, 2013

Linda Connors, Town Planner  
Lauderdale-By-The-Sea  
3501 N. Ocean Drive  
Lauderdale-By-The-Sea, FL 33308

(Also sent via email to [Linda@lhts-fl.gov](mailto:Linda@lhts-fl.gov))

Re: 3270 Spanish River Road, Lauderdale-By-The-Sea, Florida

Dear Ms. Connors:

I represent James Ober, who is under contract to purchase the above-referenced property from Bank of America, the current owner. My client appeared before the Town Commission on September 10, 2013, on an Application for Relief of Code Enforcement Liens and was apparently granted a reduction to twenty-five percent of the amount of each of several pending liens. After subsequent review by this office, we have determined that several of the liens are unenforceable against this property by operation of Florida law. We respectfully request a rehearing before the Town Commission so they may consider removing these unenforceable liens and avoiding further legal action.

Specifically, the request for rehearing is directed to the following case numbers:

08-02-00039  
09-KP-0039  
10-CT-00012  
10-CT-00013  
10-CT-00014  
11-KW-00606

The above-listed liens are unenforceable against this property because Bank of America had previously recorded a notice of *lis pendens* against this property on November 26, 2007, as part



Linda Connors, Town Planner  
September 17, 2013  
Page 2

of its mortgage foreclosure action on the property. The notice of *lis pendens* can be found in Official Records Book 44837, Page 1043, Public Records of Broward County, Florida. The foreclosure action was not concluded until a Certificate of Title to Bank of Amerien was issued by the Clerk of the Circuit Court on October 9, 2012, after a foreclosure sale (the Certificate of Title is found in O.R. Book 49159, Page 1889).


Under Florida Statute Section 48.23(1)(d), the recording of a notice of *lis pendens* by Bank of Amerien "constitutes a bar to the enforcement against the property described in the notice of all interests and liens" recorded thereafter. This provision was recently enforced by the Fourth District Court of Appeal in *U.S. Bank Nat'l Ass'n v. Quadomain Condo. Ass'n, Inc.*, 103 So. 3d 977 (Fla. 4<sup>th</sup> DCA 2012) and further confirmed to be enforceable against all municipal liens by the Florida Supreme Court in *City of Palm Bay v. Wells Fargo Bank*, 114 So. 3d 924 (Fla. 2013).

As all of the liens listed above were recorded after the notice of *lis pendens* was recorded, they are unenforceable. We therefore respectfully request that the Town remove the liens listed above as required by law. If the Town unreasonably refuses to do so, we may have no alternative but to file a slander of title action against the Town, an action which benefits no one except the lawyers involved. We hope that the Town Counsel will confirm the legal positions set forth in this letter, advise the Town to remove the offending liens, and that legal action will not be necessary.

Please note that my client's intention is to completely renovate the subject property and remove any deficiencies so that this property can once again become a respected property in the community. Removing the unenforceable liens will allow that process to be expedited to the benefit of both my client and the Town.

Thank you in advance for your consideration of this request. We look forward to hearing from you.

Very truly yours,

  
DANE T. SCANISH  
DTS/jga

cc: James Ober  
Alan L. Gabriel, Esq. (via email to agabriel@wsh-law.com)

# EXHIBIT R

TOWN OF LAUDERDALE-BY-THE-SEA  
TOWN COMMISSION

TOWN OF LAUDERDALE-BY-THE-SEA.

Petitioner,

CASE NO(s):

08-02-00039  
09-KP-0039  
09-KM-01405  
10-CT-00012  
10-CT-00013  
10-CT-00014  
10-KM-00356  
11-KW-00048  
11-KW-00606  
13-010016  
13-060012

v.

Federal National Mortgage Association  
c/o Bank of America.

Respondent.

\_\_\_\_\_ /

ORDER REDUCING CODE ENFORCEMENT LIENS

This cause was heard on September 10, 2013, September 24, 2013, and October 8, 2013 before the Town Commission of the Town of Lauderdale-By-The-Sea, Florida (the "Town Commission"), upon the request of James Ober (the "Applicant"), who is under contract to purchase the subject property at 3270 Spanish River Drive from Bank of America ("Respondent"). Based upon the testimony and evidence presented, the Town Commission makes the following findings:

- A. With reference to Case Numbers 08-02-00039; 09-KM-01405; 10-CT-00012; 10-CT-00013; 10-CT-00014; 10-KM-00356; 11-KW-00048, and; 11-KW-00606 Orders imposing and certifying fines were previously entered in this cause against Hannelore Heiden (the previous owner) for violations of the Town Code.

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B. With reference to Case Numbers 09-KP-0039; 13-010016, and; 13-060012 Orders imposing and certifying fines were previously entered in this cause against Federal National Mortgage Association c/o Bank of America (the current owner) for violations of the Town Code.

C. The eleven (11) violations, which were the subject of this proceeding, occurred on the following real properties located in the Town of Lauderdale-By-The-Sea, Florida: at 3270 Spanish River Drive, bearing property ID number 4943 06 20 0380, and legally described as TERRA MAR ISLAND ESTATES 29-12 B LOT 17 BLK 2 (the "Property").

D. The following code violations have been corrected:

- (i) Case number 09-KM-01405 was corrected on October 1, 2009;
- (ii) Case number 10-CT-00012 was corrected on May 5, 2010;
- (iii) Case number 10-CT-00014 was corrected on April 20, 2010;
- (iv) Case number 10-KM-00356 was corrected on September 15, 2010;
- (v) Case number 11-KW-00048 was corrected on March 3, 2011;
- (vi) Case number 11-KW-00606 was corrected on September 14, 2011; and,
- (vii) Case number 13-060012 was corrected on September 23, 2013.

E. The following code violations have NOT been corrected:

- (i) Case number 08-02-00039;
- (ii) Case number 09-KP-0039;
- (iii) Case number 10-CT-00013; and
- (iv) Case number 13-010016.

F. As of September 10, 2013, the accrued fines under the Orders Imposing Fine/Certificate of Lien, (excluding Case number 08-02-00039, which was filed prior to Final



Judgment) totaled Two Hundred Eight Four Thousand Nine Hundred Fifty and 00/100 Dollars (\$284,950.00), not including interest and administrative fees.

G. On August 30, 2013, the Applicant filed an Application for Relief requesting the Town Commission approve a reduction in the fines and liens.

II. Pursuant to Resolution 2013-05, reductions of code enforcement fines or liens that exceed 50% of the total amount of money owed to the Town require Town Commission approval.

1. Staff reviewed and evaluated the sufficiency of the Application for Relief from Code Enforcement Fines or Liens filed and provided a recommendation. The Town Commission considered the recommendation of staff and the relevant factors which justify relief in this matter.

It is, therefore, ORDERED:

1. The Ordered Relief from Code Fines shall comply with The Town's Procedures for Relief From Code Fines or Liens, which was adopted by Resolution 2013-05, except as may be specifically provided for by the Town Commission in this Order;

2. Provided that the Applicant complies in full with the terms of this Order, the fines imposed against the Respondent shall be reduced to the amount of Seventy One Thousand Two Hundred Thirty Seven and 50/100 Dollars (\$71,237.50) together with One Thousand Four Hundred Forty Dollars (\$1,440.00) in administrative fees, for a total of Seventy Two Thousand Six Hundred Seventy Seven and 50/100 Dollars (\$72,677.50).

3. Each of the above referenced Town Code violations that have not yet been corrected on the Property shall be corrected by February 1, 2014, which is 120 days from the October 4, 2013 closing deadline for the purchase of the Property by James Ober, and certified

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as corrected by the Town Code Enforcement Division. Further, the total reduced fine amount together with administrative fees shall be due and payable to the Town no later than February 1, 2014.

4. Upon showing by the Applicant of a valid reason beyond the control of the Applicant, the Town Manager may approve one limited time extension if in the best interest of the Town. Once the Town has verified code compliance and received the monies due the Town, the Town will prepare and record the applicable release of lien.

5. Any relief granted shall be contingent upon payment of the reduced lien amount amounts, completion of any required performance to effectuate code compliance and receipt of a signed waiver by the Applicant, all within the specified time period. Failure to provide valid payment to the Town and to perform as required within the specified time period shall cause the original penalty(s) to continue and the approved relief to terminate without any future action of the Town.

6. If the Applicant does not comply in a timely manner with this Order, no future reductions in fine or lien shall be considered for the Applicant.


7. This Order shall not be recorded and is not intended to substitute for a release of any of the above referenced Code Violation fines or liens.

8. This Order shall supersede those Orders Imposing Fine/Certificate of Lien entered by the Special Magistrate of the Town of Lauderdale-By-The-Sea, and all other prior code enforcement orders in the above-referenced cases which are in conflict with this Order.

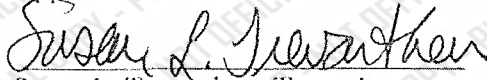
PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 8<sup>th</sup> day of October 2013.

  
MAYOR ROSEANN MINNET

ATTEST:

  
Vanessa Castillo, Town Clerk

Approved as to form:

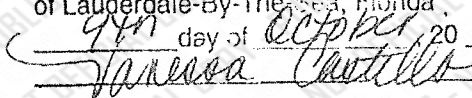
  
Susan L. Trevarthen, Town Attorney

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#### CERTIFICATION

I certify this to be a true and correct copy of the record in my office.

WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida

 day of October, 2013  
Town clerk