



LIEN REDUCTION APPLICATION

Cocoa Police Department
Code Enforcement Division
1226 W King Street
Cocoa, Florida 32922
Phone; (321) 433-8508

This application must be completed entirely. The property must be in compliance per the City Code Section 6-707(d), if the property does not meet the guidelines of the City Code the Lien Reduction Application will not be scheduled for a hearing before the Code Enforcement Board.

This form is divided into steps which will help you prepare your request, provide the necessary information, and prepare for the Code Enforcement Board and City Council hearing.

For Office Use Only - Date Received

RECEIVED

MAR 01 2024

BY: [Signature]

Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. **Date:** 02/28/2024

2. **Applicant Information:** * *NOTE: Applicant is the main contact, who must attend the meeting.*

Company (if applicable): _____

Name: Katina M. Hardee, Esq.

Mailing Address: 110 SE 6th Street, Suite 2600

City: Fort Lauderdale State: FL Zip Code: 33301

Phone #: (954) 939-3367 Fax #: (954) 678-4090

Mobile #: (850) 736-0351 E-mail: Katina.Hardee@lewisbrisois.com

3. **Property Owner Information:** * *Check here if same as Applicant* →
* *If more than one owner, attach additional sheet with names and addresses.*

Company (if applicable): Resicap Florida Owner II, LLC

Name: Agent: Joshua Gehman

Mailing Address: 3630 Peachtree Road NE, Suite 1500

City: Atlanta State: Georgia Zip Code: 30326

Phone #: (470) 428-8221 Fax #: (404) 201-2914

Mobile #: _____ E-mail: codeviolations@resicap.com

4. Information for property on which lien occurs:

Street Address and Location: 3629 E. Malory Ct., Cocoa, Florida 32926

Parcel ID:

2 4 - 3 5 - 1 3 - 7 7 - - * 6 4 [] [] -
[] [] [] [] [] [] [] []

Tax Account Number:

2 4 0 5 0 5 7

Existing Use(s) on Property: 0110 - Single Family Residence/Long Term Housing Rental

Proposed Use(s) on Property: Residential/Long Term Housing Rental

(If residential – (circle one) owner occupied or (rental) if rental does property owner anticipate accepting any state or federal rental subsidies?

At this time, the owner does not anticipate accepting any state or federal rental subsidies.

Nature of Violation(s): Abandoned/Junk Vehicle by lease/renter

Date Fine or Lien Imposed: 08/11/2022 Amount of Fine: \$21,810.00
per day

Have the violation(s) on the subject property been corrected: Yes / No (Circle one)

Date upon which the subject property was brought into compliance: January 25, 2023

5. Please provide the following information:

Code enforcement case number: 22-00000503

Were you the property owner at the time the lien was imposed? (Yes) / No (Circle one) If so, how many days did it take from the board order to the date compliance was achieved? 167

If you were not the property at the time the violation occurred, were you aware of the lien when you purchased the property? Yes / No / NA (Circle one) If the property was not in compliance at the time you purchased the property how many days from the time of purchase did it take for you to come into compliance? N/A

Did you receive the Notice of Violation issued by the Code Enforcement Division: (Yes) / No (Circle one)

Did you receive the Finding of Facts issued by the Code Enforcement Board: (Yes) / No (Circle one)

The factual basis upon which the application for reduction of the lien should be granted:

We remained in contact with Officer Vince Bouonocore and advised him on or about February 3, 2023, that the violation was cured. He indicated that he visited the home, and that until all code violations were resolved, all violations would remain open.

The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded:

Resicap purchased the subject property on 4/20/2022, and there was a current tenant renting the property at the time property at the time of purchase. The tenants were not cooperative in removing the vehicle when they were requested to do so.

Amount you are requesting that the lien be reduced to: \$2,500 - to \$5,000 maximum

Please provide any other information deemed pertinent to this request, including but not limited to the circumstances that exist which would warrant the reduction or forgiveness of the penalty or fine. Include documentation of any financial investment made to physically improve the property:

See above. The tenants' noncompliance with requests to remove the vehicle resulted in a delay in compliance.

Further, such a significant fine amount will cause Resicap a financial hardship.

Are there any other properties within the jurisdictional limits of the City of Cocoa owned by the applicant and/or owners of the subject property on which code violations have been alleged, of which the case is still active, or a Finding of Facts has been entered by the Code Enforcement Board, if so please provide the address, the nature of violation and the status of such:

No.

6. Please submit the following items in order complete the application:

- a. **Notarized application.**
- b. **Reimbursement to City for recording costs at time of application.** Pursuant to Section 6-707(c), Code of the City of Cocoa, at the time of application, payment to the city in the amount necessary to reimburse the City for its costs associated with processing and recording the order imposing a penalty or fine and the requested satisfaction or release of lien. Please make checks payable to the 'City of Cocoa' and submit payment ONLY to the Community Services Department. Please note that these costs are non-refundable without regard for the final disposition of the application for satisfaction or release of lien. **The application fee is \$20.00 and will need to be paid at the time the application is submitted.**
- c. **Letter of authorization.** If the applicant is not the property owner, a notarized letter of authorization or agent affidavit is required, unless the applicant is the Attorney of the owner. Each property owner must complete a separate authorization form or other suitable documentation to allow the agent to act upon his/her behalf.
- d. **Corporate documents.** If the applicant/owner is representing a company, articles of incorporation which show the applicant/owner is authorized to represent the company is required. A data record printout from the Florida Department of State, Division of Corporations website may also be provided (<http://www.sunbiz.org/corpweb/inquiry/search.html>).
- e. **Additional information (optional).** Submit any information that may be helpful in understanding the request. This may include photos, sketches, elevations, or letters from adjoining property owners.

7. Application Filing Procedure. This application, together with all required exhibits and attachments, shall be completed and filed with the Code Enforcement Division by the third Friday of each month at 5:00 pm in order to be scheduled for public hearing for the following month.

8. Procedure per City Code. Section 6-707 states the City Lien Reduction rules and procedures for applying for a reduction. It is the applicant's responsibility to read and understand the rules and procedures that are located on page 6 of the Lien Reduction Application

9. Board Action. An inspection of the property must be performed to be scheduled at the Code Board. Following a presentation by staff and testimony offered by the applicant, the Code Enforcement Board will formulate a recommendation to City Council.

10. City Council Action. An inspection of the property must be performed to be scheduled before council. Following the Code Enforcement Board making a recommendation to the City Council, staff will schedule the item for the next available City Council regular meeting.

11. Inspections. I agree to allow Code Enforcement to inspect my property and give consent to walk the property before proceeding with this reduction YES NO

Signature below will also show that consent to inspect was given by the property owner or representative.

12. Signatures and Notarization.

STATE OF Florida COUNTY OF Broward I, Katina M. Hardee being first duly sworn, depose and say that

- I am the applicant, or if corporation, I am the officer of the corporation authorized to act on this request.
- I am the legal representative of the applicant of this application and a notarized Letter of Authorization form or agent affidavit accompanies this application giving written, unless the applicant is the Attorney representing the owner.

I hereby certify that I have read, completed and understand this Application and understand that if my application and all associated attachments are not complete and accurate in all respects, the application will not be scheduled for a public hearing. I further understand that this application must be complete and accurate prior to the advertising of a public hearing.

Katrina M Hardee
(APPLICANT SIGNATURE)
Public)

(Print, Type, or Stamp Commissioned Name of Notary

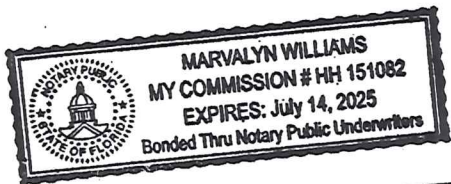
Personally Known OR Produced Identification

Type of I.D. Produced _____

Marvalyn Williams
(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BROWARD

Sworn and subscribed to before me this 28th day of February, 2024



Public Hearing Process Information.

It is the responsibility of the Applicant to read the Lien Reduction Application to its entirety. Please keep this sheet from your application for your records. At any time through this process you have any questions or concerns, please contact the Code Enforcement Division at 321-433-8508.

1. **Public hearing date and location.** All regularly scheduled hearings are held on the third Thursday of each month at 6:00pm in the Cocoa City Hall Council Chambers located at 65 Stone Street, Cocoa, Florida unless otherwise notified.
2. **Presence required at the public hearings.** The applicant or his/her representative must be present to answer any questions concerning the request. If there are extenuating circumstances why the applicant or his/her representative cannot attend, he or she must notify the City in writing prior to the public hearing.
3. **Preparing for public hearing.** It is the applicant's responsibility to research and know all laws that may be applicable and may affect the outcome of any decision on the applicant's request.
4. **Format of public hearing.** The public hearing before the Code Enforcement Board is quasi-judicial in nature. *State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is considered at a public hearing.* Applicants are encouraged to review and copy the quasi-judicial rules and procedures used by the Code Enforcement Board before the public hearing date. A copy may be obtained from the City Clerk's Office.
5. **Exhibits at public hearing.** If photographs, documents, maps or other materials are provided to the Board as evidence at the public hearing, the applicant must provide a copy to the Recording Secretary, City Staff, and the Code Enforcement Board for examination. One copy of any exhibits and/or evidence shall be provided, by law those instruments automatically become part of the public records and cannot be returned to the applicant.
6. **Witnesses at public hearing.** For the purposes of making a decision on the application, the Board shall only consider testimony of qualified witnesses. A witness is determined by the Board and is generally based on:
 - a. The witness has personal knowledge of the fact in which the witness will testify; and/or
 - b. In the case of testimony consisting of opinions or inferences, the testimony is qualified as the following:
 1. Layman witness: Testimony of a witness other than an expert witness is qualified only if:
 - The witness can readily, and with equal accuracy and adequacy, communicate what he or she perceived to the Board without testifying in the form of opinions or inferences.
 - The opinions and inferences do not require any special knowledge, skill experience or training.
 2. Expert witness. Testimony of an expert witness is qualified only if:
 - The subject matter is proper for expert testimony because scientific, technical, or other specialized skill will help the Board understand the evidence being presented, or helps establish a fact in issue.
 - The witness is adequately qualified to express an opinion on the matter.

Sec. 6-707. - Satisfaction or release of code enforcement lien. (NOTE: this is not the code section in its entirety)

- (b) **Application.** The application shall be executed under oath and sworn to in the presence of a notary public.
- (c) **Reimbursement to city for recording costs at time of application.** The violator shall submit, at the time of application, payment to the city in the amount necessary to reimburse the city for its costs associated with recording the order imposing a penalty or fine and the requested satisfaction or release of lien. These costs are non-refundable, without regard for the final disposition of the application for satisfaction or release of lien.
- (d) **Processing of application by Code Enforcement Manager or Chief of Police.** Upon receipt of the application for satisfaction or release of lien and payment provided above, the community development director shall confirm through the code enforcement department that the violation which resulted in the order imposing penalty or fine has been brought into compliance. If the violation has been brought into compliance and there is no current code violation upon the property in question, the community development director shall place the application upon the agenda of the next meeting of the code enforcement board.
- (e) **Code enforcement board hearing.** At the hearing before the code enforcement board, the board shall review and consider the application for satisfaction or release of lien, provide the violator with an opportunity to address the board regarding the application for satisfaction or release of lien, and to take the testimony of other interested parties, including but not limited to city staff.

Review and recommendation. Upon review of the application and any testimony presented, the code enforcement board shall recommend to the city council approval, approval with conditions, or denial of the application for satisfaction or release of lien.

The code enforcement board, in determining its recommendation, shall consider the following factors:

- (1) The gravity of the violation;
 - (2) The time in which it took the violator to come into compliance;
 - (3) The accrued amount of the code enforcement fine or lien;
 - (4) Any previous or subsequent code violations;
 - (5) Any financial hardship; and
 - (6) Any other mitigating circumstance which may warrant the reduction or satisfaction of the penalty or fine.
- (f) **Presentation to city council.** After a recommendation has been rendered by the code enforcement board, the community development director shall place the application for satisfaction or release of lien upon the agenda of the next regularly scheduled city council meeting. The city council may take action solely based upon the sworn application and recommendation of the code enforcement board; or it may, in its discretion, provide the violator with an opportunity to address the council in regard to the application for satisfaction or release of lien.

City Council action. The city council may approve, approve with conditions, or deny the application to satisfy or release of lien. If the city council approves the application to satisfy or release the lien and the approval is conditioned upon the violator paying a reduced penalty, fine, or any other condition, the satisfaction or release of lien shall not be prepared or recorded until the condition(s) placed by the council have been satisfied.

- (g) **Compliance with city council conditions.** The violator shall have thirty (30) days in which to comply with the conditions imposed by the city council. Failure of the violator to comply will result in the automatic denial of the application for satisfaction or release of lien.
- (h) **Effect of denial on application for subsequent lien reduction or forgiveness.** If the application is denied or if the application is automatically denied due to the failure of the violator to comply with the conditions imposed by the city council, the violator shall thereafter be barred from applying for a subsequent reduction or forgiveness of the lien for a period of one (1) year from the date of denial. During the one-year period, the lien may only be satisfied and released upon full payment of the fine or penalty imposed in accordance with this chapter.

(Ord. No. 16-06, § 2, 5-9-06)