



**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.



**Please TYPE or PRINT this application neatly.**

1. **Date:** April 4, 2024

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

**Company (if applicable):** ALDRIDGE PITE, LLP

**Name:** Jason Knyper / Andrew Scolaro, Esq.

**Mailing Address:** 5300 W. Atlantic Avenue, Suite 303

**City:** Delray Beach **State:** FL **Zip Code:** 33484

**Phone #:** 561-288-8920 **Fax #:** \_\_\_\_\_

**Mobile #:** 914-552-7798 **E-mail:** JKNYPER@ALDRIDGEPITE.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):** FEDERAL NATIONAL MORTGAGE ASSOCIATION

**Name:** FNMA - Code Compliance Team

**Mailing Address:** 5600 GRANITE PKWY, GRANITE PARK VII

**City:** Plano **State:** TX **Zip Code:** 75024

**Phone #:** 972-656-8879 **Fax #:** \_\_\_\_\_

**Mobile #:** \_\_\_\_\_ **E-mail:** Code Compliance <code\_compliance@fanniemae.com>

4. Information for property on which lien occurs:

Street Address and Location: 803 Kensington Dr, Cocoa, FL 32922

Parcel ID:

2 4 - 3 6 - 2 0 - B V - \* 6 4

Parcel ID continuation boxes

Tax Account Number:

2 4 1 5 7 8 9

Existing Use(s) on Property: Residential

Proposed Use(s) on Property: Residential

(If residential -- (circle one) owner occupied or rental), if rental does property owner anticipate accepting any state or federal rental subsidies? N/A

Nature of Violation(s): Case 22-0527 for protective treatment, roofs and drainage, boarded up building, window glazing.

Date Fine or Lien Imposed: 3.16.23 Amount of Fine: \$100/per day, Currently \$ 35610.00 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: 2.9.24

5. Please provide the following information:

Code enforcement case number: 22-0527

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?

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?

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:

This property deeded to current holder, Federal National Mortgage Association "FNMA" stemming from a foreclosure in Case #2018CA035714 on 10.13.21. FNMA should be granted a reduction as there was vast amount of property damage stemming from the prior owner and unauthorized occupants. They abated case 19-1415 for Junk/Debris as well as case(s) 20-3128 and 21-0343. As to the underlying violation this was for several major issues and note when FNMA took title we were still during the height of COVID pandemic. FNMA filed with the Cocoa Police Department several trespass for this house as a vagrant took over this house as his home. The board up needed police escort due to a murder in front of the house in Dec 2021. The original notice was sent to FNMA on for this violation 8.12.22 and 9.20.22 and hearing set which was set initially on 1.9.23 which is when the Code Board issued the Compliance Date of 2.18.23 and set hearing for 3.16.23 to Order fine @ \$100/per day commencing 2.18.23 fwd until property is fully brought - Page 2 of 6 - into Compliance. At the 3.16.23 hearing in which our firm attended were advised by the Board Chairman did say the City will negotiate liens once in compliance. rev. 6/28/17

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

Yes, per the above the frequent trespasses was an issue for FNMA + vendors to ensure they can go to the property without any issue of potential physical harm.

During Oct 2021, FNMA was trying to determine occupancy as neighbors were reporting it occupied. Oct 15, 2021 we reported that the City of Cocoa had tagged the home Open and Unsafe and Oct 17, 2021 a vagrant was found in the home during our inspection and a trespass warning was issued. Oct 20, 2021, Field Services secured part of the home and ordered clearboard for broken windows. Vendor reported delay clearboarding due to delay in materials. Nov 9, 2021 At inspection a neighbor approached and informed us that she has called the police a few times when she noticed people at the house during the overnight hours. On Nov 30, 2021 At inspection found clearboarding had been removed and debris in the home. On Dec 16, 2021 Previous clearboarding replaced after vandalism/break-in. Dec 21, 2021 Reported to Code Office Mudrick that the property was cleared of overgrowth and junk and ready for re-inspection.\*

Amount you are requesting that the lien be reduced to: \$ 1,500.00 + Costs

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:

\*Jan- Feb, 2022 Discussions with Cocoa Police Department included their recommendation for plywood boarding since the clearboarding was not effective at deterring vandalism and break ins and on Feb 16, 2022 Field Service requested authorization for plywood boarding. Barbara initiated bids for plywood to be painted to match exterior of home. Jun 7, 2022 Finalized conversations regarding past-due water bills and paid all outstanding water liens/bills. Now on to this via case, Sep-Oct 2022 Worked with repair contractor on scope and bids with Jan 2023 Repairs began with the roof first. Roof Final was approved 3/2/2023 by City of Cocoa Building Department. The real delay which was beyond FNMA's control was the contractor being able to obtain the windows as the home required new windows that needed to be special ordered, because the windows to be installed needed to be impact windows (as it is close to the coast). The lead time for these windows were approx 4 - 5 months. While waiting for these windows, it was discovered that the existing electrical wiring in this home was cloth wiring and needed to be replaced.\*\*

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:

Based on review of Brevard Property Appraiser:

4213 KIPLING DR COCOA FL 32926

6508 JUNE DR COCOA FL 32926

However both are located: 1800 - UNINCORP DISTRICT 1

**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.

\*\*Once we received approval on our bid work from Fannie Mae, we were able to begin the permit applications with the city. Also due to delays with City of Cocoa to issue permits for this property this added significantly to the timeline. They do not issue 1 permit for everything, but instead wanted individual permits for plumbing, electrical, fence, windows, and general repairs. This was a long process, where they would keep coming back to us asking for additional items, instead of letting us know collectively what was needed. They also only issued us 1 permit approval at a time which added in additional significant time, specifically the City of Cocoa took approx 3 months to issue the window and general permit here allowing us to proceed with the work, as no work could be done without the required permit. Lastly, the last remaining item, "Exterior Paint" could not be completed until after install of the windows, and other repairs / general permit approval. The above from the top of the page are the reasons it took as long as it did to get this property into full compliance on 2.9.24.

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 FL COUNTY OF PALM BEACH. I, Andrew Scolaro, Esq as Attorney for FNMA 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.

**Andrew R. Scolaro**

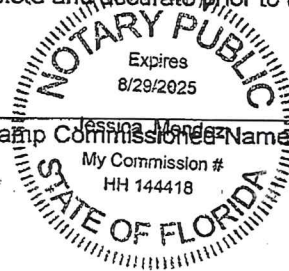
**FBN 44927** *4/6/24*

(APPLICANT SIGNATURE)  
Public)

(Print, Type, or Stamp Commission Name of Notary

Personally Known  OR Produced Identification

Type of I.D. Produced *nk*



*[Signature]*  
(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF *Palm Beach*

Sworn and subscribed to before me this *9* day of *April*, *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)