



Application # CE - 18 - 183

## 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

Stamp Only When Application is Fully Complete

Please TYPE or PRINT this application neatly.

1. Date: December 16, 2019

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

Company (if applicable): Law Office of Jessica Lynn Silva PLLC  
Name: Jessica Lynn Silva, Esquire  
Mailing Address: 7341 Office Park Place Ste 202  
City: Viera State: FL Zip Code: 32940  
Phone #: 321-474-2034 Fax #: 321-574-4017  
Mobile #: 321-474-2034 E-mail: Jessica@jessicalynnlaw.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): N/A  
Name: Francesco Di Bello (deceased)  
Mailing Address: c/o Mario Di Bello 2243 Montgomery Rd  
City: Sewickley State: PA Zip Code: 15143  
Phone #: 412-551-1352 Fax #: n/a  
Mobile #: ↑ E-mail: mzdiello@verizon.net

4. Information for property on which lien occurs:

Street Address and Location: 315 Belmont Dr. Cocoa, FL

Parcel ID:

32922

24-36-17-53-134

0000.00

Tax Account Number:

2413923

Existing Use(s) on Property: residential home

Proposed Use(s) on Property: residential home

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

owner deceased

~~Accessory Dwelling~~  
Nature of Violation(s): Exterior General Condition. Trash & Litter, Weeds

Date Fine or Lien Imposed: April 25, 2018 Amount of Fine: \$ 24,610  
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: November 25, 2019

5. Please provide the following information:

Code enforcement case number: 18-183

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:

Please see attached letter.

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

Please see attached letter.

Amount you are requesting that the lien be reduced to:

forgiveness in full

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:

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:

none known

**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.**

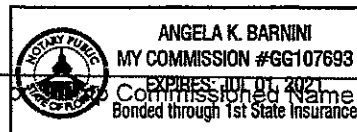
STATE OF Florida COUNTY OF Brevard I, Jessica Lynn Silva  
being first duly sworn, depose and say that:

- ☐ 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. (Decedent's estate)

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.

(APPLICANT SIGNATURE)  
Public)

(Print, Type, or Stamp Name of Notary



Personally Known ☒ OR Produced Identification ☐

Type of I.D. Produced \_\_\_\_\_

(NOTARY PUBLIC SIGNATURE)

STATE OF FLORIDA, COUNTY OF BREVARD

Sworn and subscribed to before me this 15th day of December, 20 19

LAW OFFICE OF  
**JESSICA LYNN SILVA**

7341 Office Park Place | Suite 202 | Viera | FL | 32940  
321.474.2034 | [jessica@jessicalynnlaw.com](mailto:jessica@jessicalynnlaw.com)  
[www.jessicalynnlaw.com](http://www.jessicalynnlaw.com)

December 18, 2019

Cocoa Police Department  
Attn: Code Enforcement Division  
1226 W King Street  
Cocoa, Florida 32922

RE: Estate of Francesco Di Bello – 315 Belmont Drive, Cocoa, FL 32952  
Case No.: 18-183 – Homeowner (*Decedent*): Franceso Di Billo  
Client (*Decedent's son and Personal Representative of the Estate*):  
Mario Di Bello

Dear Members of the Code Enforcement Board:

Enclosed please find the application requesting forgiveness in full for the lien currently attached to the above property.

In connection with the above referenced matter, please find the following below applicable factors.

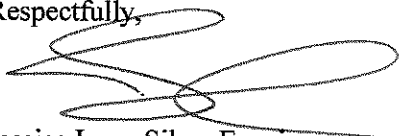
- A violation was issued April 25, 2018 however did not come to my client Mario Di Bello's (son of decedent (homeowner) Franceso Di Bello) attention until February 2019.
- Upon receipt he immediately reached out to the Code Enforcement Officers via email and requested additional time as violations had just come to their attention and would be addressed and corrected. He requested all future correspondence be provided to him via email or his address out of state.
- He requested additional time (to make repairs and for any hearing) as:
  - a. He was not a Florida resident and lived outside the state of Florida (in Pennsylvania).
  - b. His father (the property owner) had difficulties, including but not limited to physical hardships, as he was ill and living out of state so could be cared for by his two adult children. *He ended up passing away.*
  - c. Client was caring for his ill father and attempting to handle his affairs, including this matter, from Pennsylvania.
- Client hired a local Brevard County handyman to address the violations he was aware of and was under the impression all issues were addressed and corrected.
- His father then passed away.
- My office was recently retained to address an ancillary probate administration of decedent's (homeowner) estate. My client, decedent's son, then brought to my attention the violation(s) he thought had been resolved however had recently been told by a realtor were still an issue and had in fact become a lien against the property. He was confused as he thought all violations had been addressed.

- Client's father (owner of the home who is now deceased) had moved out of state to be with his adult son and daughter as he was ill.
- While he was away, his home here in Florida was vandalized, an event that was reported to the local police. It is my understanding the police informed my client that nothing could be done due to the home being vacant, so there was an attempt to place renters in the home to keep it occupied. However, the tenants left the home in disarray to which the neighbor complained and led to the code enforcement issue(s).
- Client nor his father (while alive) did not intentionally ignore repairs to the property. The father as the titled owner of the property lacked the ability to personally cure any violations (due to his health) and did his best to do what he could from afar.
- Violations were addressed in what client thought was a sufficient manner in February/March 2019. It was my client's understanding that the home would be re-inspected and he did not realize he needed to give actual approval and permission to enter the property and re-inspect which caused the fines to continue to accrue. He apologizes for this confusion.
- Once it came to the attention of the client and then myself violations still existed, arrangements were quickly made to meet with code enforcement at the property to ensure a proper list of all outstanding violations.
- Arrangements were then made with the handyman to address the issues and the home was re-inspected within one week and all violations cured.
- It is the request of my client (as the personal representative of the estate) and myself that the board please note that my client lost his father (homeowner) on May 31, 2019 and his father n law within just a few days of each other. He endured emotional and physical hardships as not only does he live out of state, he was pre-occupied assisting with caring for an ill father who then passed away, a father n law who passed away without notice, funeral arrangements for both, comforting his wife in the loss of her father and attempting to open probate proceedings for his father's estate in Pennsylvania and ancillary proceedings for the home (real property) here in Florida.

With the utmost respect, we request if the Code Enforcement Board and all applicable parties would please be so kind as to offer lien forgiveness in full in regards to this matter.

Thank you!

Respectfully,



Jessica Lynn Silva, Esquire

**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)





# BREVARD COUNTY TAX COLLECTOR

## Lisa Cullen, CFC

2019 Roll Details — Real Estate Account At 315 BELMONT DR, COCOA

Real Estate Account #2413923

☐ Parcel details

☐ Latest bill

☐ View/Print full bill history

Print this page

Pay All: \$2,630.34

2019	2018	2017	2016	...	2005
\$2630.34 due	PAID	PAID	PAID		PAID

Apply for the 2020 Installment Payment Plan

☐ Get Bills by Email

Pay this bill: \$2,630.34

Owner: DI BELLO, FRANCESCO

315 BELMONT DR

COCOA, FL 32922-0000

Situs: 315 BELMONT DR

COCOA

Account number: 2413923

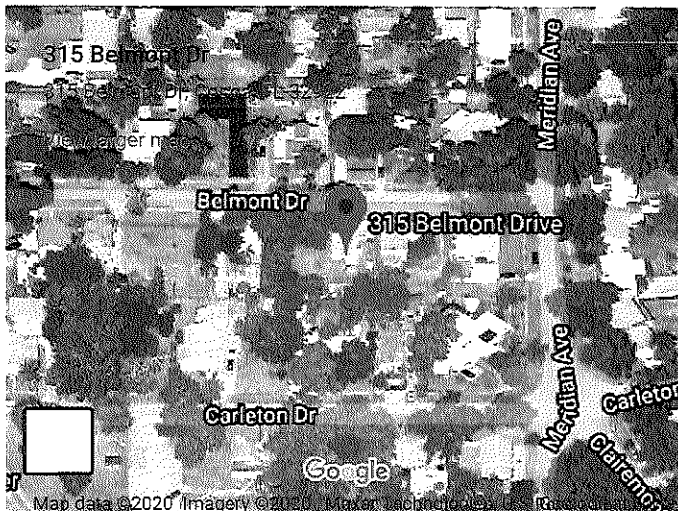
Alternate Key: 2413923

Millage code: 23D0

Millage rate: 17.5937

Assessed value: 132,970

School assessed value: 132,970



Map data ©2020 Imagery ©2020 Mapbox Attribution Required

GIS - Property Appraiser

2019 Annual bill

View

Ad valorem: \$2,339.43

Non-ad valorem: \$344.59

Total Discountable: 2684.02

No Discount NAVA: 0.00

Total tax: \$2,684.02

Legal description

CARLETON TERRACE, AMENDED PLAT OF LOTS 4,5 BLK 13

Location

Geo number: 24 3617-53-13-4