



Village of Biscayne Park Commission Agenda Report

Village Commission Meeting Date: August 4, 2015

Subject: Fine Reduction Request
1000 NE 119th Street

Prepared By: Maria Camara

Sponsored By: Staff

Background

On May 11, 2015, a lien search request was received for the following property:

- Folio No. 17 2232 025 0010
- Address: 1000 NE 119th St, Biscayne Park, FL
- Owner: Margaret Ashworth &H Steven

The result of the lien search is as follows:

- Municipal lien dated April 9, 1997 for \$426.96 + \$12.00 recording fees for collection and disposal of debris (annual waste fee). With interest at the rate of 18% per annum, the total due through May 2015 is \$7,302.44. The name on the lien is Kelly Murphy, the owner during 1997.

During the sale of the property in 2000, and again in 2001, the recorded lien was never satisfied. The current property owner is still responsible as the lien

August 4, 2015

Commission Agenda Report

Fine Reduction

goes with the land, and not the original owners. This was explained to current property owner Margaret Ashworth.

During the subsequent conversations with the property owner, her attorney, and the realtor, an additional municipal lien was identified:

- Municipal lien dated November 28, 1995 for \$437.93 + \$12.00 recording fees for collection and disposal of debris (annual waste fee). With interest at the rate of 18% per annum, the total due through May 2015 is \$7,501.34. The name on the lien is Kelly Murphy, the owner during 1995.

This lien also was not satisfied during the sale of the property in 2000 and 2001.

The current sale of the property was scheduled to be closed on June 4th, and all parties were advised that if the closing could not be delayed until after the July 7th Commission meeting, the current amount due the Village of \$14,803.78 would have to be held in escrow until after the Commission could consider their request for a fine reduction.

The request for the fine reduction was scheduled for the July 7th Commission meeting. Just prior to the meeting, a request was made by the attorney representing the seller to defer it to the August meeting. Subsequently we were notified that the property had sold and that the title insurance company would be responsible for the outstanding fines and would appear before the Commission to request the fine reduction.

Fiscal / Budget Impact

Amount due to be considered for a fine reduction: \$14,803.78 (Village Commission)

August 4, 2015

Commission Agenda Report

Fine Reduction

Recommendation

Commission to consider the fine reduction request for the 1995 and 1997 municipal liens.

Attachments

- Corrected lien search summary dated June 3, 2015
- Municipal lien dated November 28, 1995
- Municipal lien dated April 9, 1997
- Calculation amount due for each lien through May 2015
- Indemnification letter dated June 3, 2015 from the Attorney's Title Insurance Fund



The Village of Biscayne Park

640 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

Date: June 3, 2015

CORRECTED

RELIABLE LIEN SEARCH, INC
12741 MIRAMAR PARKWAY 102
MIRAMAR, FL 33027

Phone: 866 717 5120

Fax: 866 717 5119

Sent via Fax
Pages: 5

Dear Sir or Madam:

We are in receipt of your request for a lien search for:

Address: 1000 NE 119TH Street, Biscayne Park, FL
Folio No.: 17 2232 025 0010

Please be advised of the following fees currently due on the property:

Table with 4 columns: Category, Description, Amount, Total. Rows include Municipal Liens, Waste Fees, Special Pick ups, Code Violations, Building Dept., and Landlord Permit.

Comments:

Re-Occupancy Certificate required before closing. For rental properties, landlord permit required.
All open and expired permits listed require a final inspection in order to be closed out.
All payoffs must be accompanied with copy of settlement in order to update our records for all properties sold or refinanced.

95R483725 1995 NOV 28 09:28

NOTICE OF MUNICIPAL

LIEN

To: Kelly Murphy
15483 88 Rd N
Loxahatchee, Florida 33470

PLEASE TAKE NOTICE that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188 (Collections and disposal of debris), against the following described real property situated and lying in Dade County, Florida, to-wit:

Biscayne Lawn And Plat, Lot 1, according to the Plat thereof recorded in Plat Book 39 at Page 48 of the Public Records of Dade County, Florida, also known as 1000 N.E. 119 Street

Folio # 17 2232 25 0010 0,

That the Principal amount of the Lien is \$497.93 plus \$12.00 recording fee and attorney fees as of the fiscal year 1995, together with interest at the rate of Eighteen (18%) percent per annum.

WITNESS my hand and official seal at Village of Biscayne Park, Florida,

this 20th day of October, 1995.



Jean Watson
Jean Watson
Village Clerk

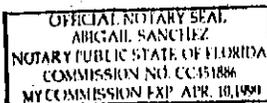
RECORDED IN OFFICIAL RECORDS BOOK
OF DADE COUNTY, FLORIDA
RECORD # 954110
HARVEY BLIVIN,
Clerk of Circuit & County
Courts

Sworn and subscribed before me
this 20th day of October, 1995.

This instrument prepared by:

Jean Watson
Village Clerk
Village of Biscayne Park
840 N.E. 114 Street
Biscayne Park, Florida 33161

Abigail Sanchez
NOTARY PUBLIC STATE OF FLORIDA.



OFF. REC. 17593 04129

NOTICE OF MUNICIPAL LIEN

97R153171 1997 APR 09 09:55

To Kelly Murphy
15463 86 Road North
Loxahatchee, Florida 33470

PLEASE TAKE NOTICE that the Village of Biscayne Park, a municipal corporation organized under the laws of the State of Florida, does hereby file its lien by the authority set forth in Municipal Ordinance No. 188 (Collections and disposal of debris), against the following described real property situated and lying in Dade County, Florida, to-wit:

Biscayne Lawn Amd Plat, Lot 1, according to the plat thereof recorded in Plat Book 39 at Page 48 of the Public Records of Dade County, Florida, also known as 1000 N E 119 Street
Folio No. 17 2232 25 0010 0

That the principal amount of the lien is \$426.96 plus \$12.00 recording fee and attorney fees as of the fiscal year together with interest at the rate of Eighteen (18%) percent per annum

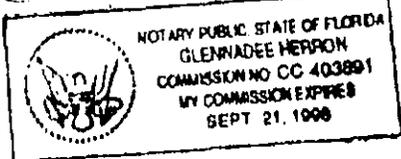
Witness my hand and official seal at Village of Biscayne Park, Florida, this 28 day of March, 1997

Jean Watson
Jean Watson
Village Clerk

(Corporate Seal)

Sworn and subscribed before me this 28 day of March, 1997

Glenadee Herron
NOTARY PUBLIC STATE OF FLORIDA



This instrument prepared by
Jean Watson
Village Clerk
Village Of Biscayne Park
640 Northeast 114 Street
Biscayne Park, Florida 33161

RECORDED IN OFFICIAL RECORDS DIVISION
OF DADE COUNTY, FLORIDA
RECORD # 17593
HARVEY RUVIN
CLERK CIRCUIT COURT



VILLAGE OF BISCAYNE PARK
 640 NE 114TH STREET
 BISCAYNE PARK, FL 33161
 TEL: 305 899 8000 FAX: 305 891 7241
 www.biscayneparkfl.gov

Municipal Lien Fees

Date: 05/28/15

Property Address: 1000 NE 119TH STREET

Balance as of 03/28/1997 \$ 438.00

Year	18% Annual Penalty Assesment	New Balance
1999	\$ 78.84	\$ 516.84
2000	\$ 93.03	\$ 609.87
2001	\$ 109.78	\$ 719.65
2002	\$ 129.54	\$ 849.18
2003	\$ 152.85	\$ 1,002.04
2004	\$ 180.37	\$ 1,182.40
2005	\$ 212.83	\$ 1,395.24
2006	\$ 251.14	\$ 1,646.38
2007	\$ 296.35	\$ 1,942.73
2008	\$ 349.69	\$ 2,292.42
2009	\$ 412.64	\$ 2,705.06
2010	\$ 486.91	\$ 3,191.97
2011	\$ 574.55	\$ 3,766.52
2012	\$ 677.97	\$ 4,444.49
2013	\$ 800.01	\$ 5,244.50
2014	\$ 944.01	\$ 6,188.51
2015	\$ 1,113.93	\$ 7,302.44
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -

New Balance: \$ 7,302.44





VILLAGE OF BISCAYNE PARK
 640 NE 114TH STREET
 BISCAYNE PARK, FL 33161
 TEL: 305 899 8000 FAX: 305 891 7241
 www.biscayneparkfl.gov

Municipal Lien Fees

Date: 06/06/15

Property Address: 1000 NE 119TH STREET

Balance as of 10/20/1995 \$ 449.93

Year	18% Annual Penalty Assesment	New Balance
1999	\$ 80.99	\$ 530.92
2000	\$ 95.57	\$ 626.48
2001	\$ 112.77	\$ 739.25
2002	\$ 133.06	\$ 872.31
2003	\$ 157.02	\$ 1,029.33
2004	\$ 185.28	\$ 1,214.61
2005	\$ 218.63	\$ 1,433.24
2006	\$ 257.98	\$ 1,691.22
2007	\$ 304.42	\$ 1,995.64
2008	\$ 359.22	\$ 2,354.86
2009	\$ 423.87	\$ 2,778.73
2010	\$ 500.17	\$ 3,278.91
2011	\$ 590.20	\$ 3,869.11
2012	\$ 696.44	\$ 4,565.55
2013	\$ 821.80	\$ 5,387.35
2014	\$ 969.72	\$ 6,357.07
2015	\$ 1,144.27	\$ 7,501.34
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -
	\$ -	\$ -

New Balance: \$ 7,501.34





ATTORNEYS' TITLE INSURANCE FUND, INC
6545 Corporate Centre Blvd., Suite 200
Orlando, FL 32822 | www.ATIF.com
855.730.4700 toll-free phone & fax

June 3, 2015

Amended Letter

Old Republic National Title Insurance Company
c/o Alexandra L. Deas, P.A.
2215 River Boulevard
Jacksonville, Florida 32204

Attn: *Alexandra L. Deas, Esq.*

Re: Fund Policy No.: OPM-2109585
Name of Insured: Margaret Ashworth
Your File Reference: 15-0171; Fund File No.: 01-2015-177126A-2

Gentlemen:

In consideration of your company agreeing to insure title to the property insured by our referenced policy, Attorneys' Title Insurance Fund, Inc. hereby agrees to indemnify your company against any loss it might suffer as a result of liability under its policy arising out of the following in MIAMI-DADE County, Florida:

Lack of satisfaction or release of record of that certain Notice of Municipal Lien dated March 28, 1997 and recorded April 9, 1997, in O.R. Book 17593, Page 4129.

Lack of satisfaction or release of record of that certain Notice of Municipal Lien dated October 20, 1995 and recorded November 28, 1995, in O.R. Book 17003, Page 2456.

Attorneys' Title Insurance Fund, Inc. hereby agrees to undertake the necessary steps to remove the noted defect(s) in a reasonably diligent manner.

This indemnification letter is limited to the face amount of our policy, and is given with the understanding that should the matter(s) indemnified against result in a claim being asserted against your policy, Attorneys' Title Insurance Fund, Inc. will be notified, and shall have the right to retain counsel to defend or assist in the defense of such a claim. Liability under the policy by your company is a prerequisite to payment under this indemnification letter.

Yours truly,

A handwritten signature in black ink that reads 'Kim Lewis'.

Kim Lewis
Legal Assistant
Claims