

IN THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

Case No. 50-2019CA008660XXXXMB AI

B & B PROPERTIES, INC., a Florida
corporation, and on behalf of all others
similarly situated,

Plaintiff,

CLASS REPRESENTATION

vs.

PALM BEACH COUNTY, FLORIDA,
a political subdivision of the State of Florida,

Defendant.

_____/

**CLASS REPRESENTATIVE AND CLASS PLAINTIFFS' RULE 1.510(c) STATEMENT
OF MATERIAL FACTS FOR THEIR MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Class Plaintiffs, by and through their representative, B & B Properties, Inc. ("B&B"), and their undersigned counsel, and pursuant to Rule 1.510(c)(1), Fla. R. Civ. P., hereby file this Statement of Material Facts in support of their Motion for Summary Judgment, and state the following:

1. B&B owns real property in Palm Beach County. (*See* testimony of O'Neal Bates, President and 100% owner of B&B, at Plaintiff's Amended Motion for Class Certification Hearing, p. 170).
2. Mr. Bates was designated as B&B's corporate representative. (*See* Bates Dep. 2/11/21, pp. 4-5).
3. B&B was found in violation of Palm Beach County's building code and was fined \$100 a day pursuant to Fla. Stat. § 162.09(1). (*See* Exhibit 1 – Order of Code Enforcement Special

Affidavit of Non-Compliance, Dep. Ex. 13, O'Neal Bates Dep. 2/11/21, p. 58, and Brown Dep. 7/14/21, pp. 52-53).

11. B&B corrected the code violation as of 11/18/2007. (Ex. 4 - Affidavit of Compliance – Dep. Ex. 27, Bulkeley Dep. 6/21/21, pp. 48-49, and Brown Dep. 7/14/21, p. 53).

12. The principal fine amount of the code enforcement lien for B&B totaled \$50,600.00. This amount was calculated based on 506 days from 6/30/2006 to 11/18/2007 at \$100.00 per day. (See Exs. 5 and 6, Dep. Exs. 35 and 44 - Bulkeley Dep. 6/21/21, pp. 35, 73-75, and Brown Dep. 7/14/21, pp. 53 & 69).

13. Ramsay Bulkeley is the executive director of Planning, Zoning & Building. (See Bulkeley Dep. 6/21/21, p. 10). The code enforcement division is a separate division under Planning, Zoning & Building. *Id*

14. Mr. Bulkeley was designated by Palm Beach County to testify as a corporate representative. (See Bulkeley Dep. 6/21/21, p. 15).

15. Mr. Bulkeley testified that the County's legal justification for charging interest is Fla. Stat. § 162.09(3). (See Bulkeley Dep. 2/17/22, pp. 32-33).

16. On July 13, 2018, the County sent B&B a Statement of Account which reflected that interest charges were \$67,548.27. (See Ex. 5, Dep. Ex. 35, and Brown Dep. 7/14/21, pp. 45 and 76).

17. This Statement of Account was the first notice to B&B that the County was seeking interest charges as part of the code enforcement lien without filing a lawsuit to foreclose the lien. *Id.*

18. On January 16, 2019, Palm Beach County sent B&B a new Statement of Account, seeking interest charges through January 31, 2019, totaling \$68,589.51. (See Ex. 6, Dep. Ex 44).

19. Palm Beach County has never brought a lawsuit against B&B to foreclose its code enforcement lien. (*See* Brown Dep. 7/14/21, pp. 76-77).

20. Since 2005, the County has brought lawsuits to foreclose on a property owner's code enforcement lien on only two occasions. (*See* Defendant Palm Beach County's Response to Plaintiff's First Request for Admissions #1, D.E. 114, Dep. Ex 28, and Brown Dep. 7/14/21, pp. 85-87).

21. As to collection agency fees, Mr. Bulkeley testified that the County relies upon Fla. Stat. § 938.35 as its legal basis to charge collection agency fees. (*See* Bulkeley Dep. 2/17/22, p. 50).

22. In May of 2018, the County received proceeds of \$44,761.60, pursuant to B&B's code enforcement lien, which were paid by B&B at a tax deed sale of cross-attached property owned by B&B located at 583 105th Avenue, N. Unit 8, RPB (72-41-43-36-10-000-0080). (Ex. 7 County case notes, entry 5/30/18, Dep. Exs. 48 and 81, Bulkeley Dep. 6/21/21, pp. 43-44, 57-58, 165, and Brown Dep. 7/14/21, p.169).

23. The County's code enforcement Case Notes relating to B&B's code enforcement lien reflect that on June 12, 2018, the County applied \$7,146.81 to collection agency fees, \$65.80 to CE document recording fees, and \$37,548.99 to the principal amount of the fine/lien, which totaled \$44,761.60. (*See* Ex. 7 Case Notes Entry 6/12/18, Dep. Exs. 48 and 81).

24. The County's Corporate Representative confirmed that the amount of collection agency fees that were incurred and/or paid by the County from the tax sale proceeds of B&B's property was \$7,146.00. (*See* Brown Dep. 7/14/21, p. 120).

25. Subsequently, the County sent a Statement of Account to B&B's counsel dated 7/13/18, indicating that the County was charging B&B collection agency fees of \$22,460.60. (*See* Ex. 5, Dep. Ex 35, and Sherry Brown Dep. 7/14/21, p. 50).

26. Thereafter, on 1/16/19, the County sent B&B another Statement of Account with charges through 1/31/19 where the collection agency fees charged were \$22,658.51. (*See* Ex. 6, Dep. Ex. 44, and Sherry Brown Dep. pp. 63-64).

27. The first time there is any record of Palm Beach County informing B&B that it had incurred any collection agency fees was the Statement of Account dated 7/13/18. (Ex. 5, Dep. Ex. 35, and Brown Dep. 7/14/21, pp. 124-125).

28. The only amount of collection agency fees incurred or paid by the County in connection with B&B's code enforcement lien was \$7,146.81. (*See* Brown Dep. 7/14/21, pp. 131-132).

29. The amounts of collection agency fees listed on the Statements of Accounts sent by the County to B&B (Exs. 5 and 6) were never incurred or paid by Palm Beach County. (*See* Brown Dep. 7/14/21, pp. 129-131).

30. The County's practice is to calculate collection agency fees based on the entire amount of the daily fine and all interest charges, and then include those amounts on the Statement of Account as the amount owed by the property owner as part of the code enforcement lien. (*See* Brown Dep. 7/14/21, pp. 121-122).

31. The County confirmed that B&B's code enforcement lien regarding interest and collection fees was treated no differently than any other code enforcement lien. (*See* Brown Dep. 7/14/21, pp. 82-83, 132-133).

32. Both before and during this litigation, the County was still charging interest and collection fees on code enforcement liens and continued to do so through on or about January 27, 2023. (*See* Brown Dep. 7/14/21, pp. 88, 117, and D.E. 292, Interrogatory Response #1).

33. Palm Beach County's Planning, Zoning & Building Department, Code Enforcement Division, has a written policy and procedure which indicates that once a code enforcement lien is referred to OFMB, "no cases referred to OFMB will be considered for a modification hearing." (*See* Ex. 8, Dep. Ex. 59, and Bulkeley Dep. 6/23/21, pp. 276-277).

34. Before a code enforcement lien is referred to a collection agency, it is always referred first to OFMB, and OFMB then decides whether to send the code enforcement lien to a collection agent. (*See* Brown Dep. 7/14/21, p. 184).

35. Palm Beach County's policies and procedures, eliminating any modification hearing once a code enforcement lien is referred to OFMB, are enforced by Palm Beach County. (*See* Ex. 8, Dep. Ex. 59, and Brown Dep. 7/14/21, p. 192).

36. The only exception is in rare cases where the Planning, Zoning & Building Department finds an error that would cause the lien to be recalled. *Id.*

37. Since only OFMB can refer a code enforcement lien to a collection agency, and since the County's policies and procedures prohibit any modification hearings once the lien is referred to OFMB, there is no opportunity for a property owner to contest collection agency fees before an impartial magistrate. (*See* Ex. 8, Dep. Ex. 59 and Brown Dep. 7/14/21, pp. 184, 207-208).

38. The County's Case Notes indicate that B&B's code enforcement lien was referred to OFMB for collection on November 21, 2007. (*See* Ex. 7 Case Note Entry 11/21/2007, Dep. Exs. 48 and. 81).

39. The County only incurred collection agency fees regarding B&B's code enforcement lien of \$7,146.81, when in May of 2018 the County collected proceeds generated from a tax deed sale which was paid to a collection agency in June of 2018. (See Brown Dep. 7/14/21, pp. 131-132, 137-138).

40. The first time that the County notified B&B that any collection agency fees were incurred was when the County sent B&B the Statement of Account dated 7/13/2018, well after B&B's code enforcement lien was referred to OFMB. (See Brown Dep. 7/14/21, pp. 124-125)

41. The purpose of the Statement of Account is to provide the property owner with the amounts owed and a breakdown as to the amounts, which includes the principal fine amount, the interest charges, and any collection agency fees owed. (See Brown Dep. 7/14/21, p. 45 and Exs. 5 and 6, Dep. Exs. 35 and 44).

42. The Statement of Account is the sole method by which Palm Beach County notifies property owners who have code enforcement violations, as to the actual charges owed, including the interest charges and collection agency fees. (See Brown Dep. 7/14/21, pp. 46-47).

43. The Statements of Account are prepared by OFMB, either by OFMB's collection coordinator or by an OFMB analyst. (See Brown Dep. 7/14/21, p. 45).

44. Glenn Meeder was employed by OFMB as a collection's coordinator. (See Brown Dep. 7/14/21, p.11).

45. On 7/13/18, Glenn Meeder sent an email to B&B's prior counsel, Ellie Halperin, which attached the Statement of Account dated 7/13/18. (See Ex. 9, Dep. Ex. 34, Ex. 5, Dep. Ex. 35, and Bulkeley Dep. 6/21/21, p. 46).

46. On January 16, 2019, Mr. Meeder sent to Anne Chappell an email which included the Statement of Account computed up through January 31, 2019. (*See* Ex. 6, Dep. Ex. 44, and Brown Dep. 7/14/21, pp. 59-60).

47. Mr. Meeder had the authority from Palm Beach County to send emails such as Ex. 6, Dep. Ex. 44, attaching Statements of Account. (*See* Brown Dep. 7/14/21, p. 61).

48. The first time that Palm Beach County has any record that it sent B&B the specific amounts due from the code enforcement lien was when Glenn Meeder sent an email dated 7/13/18 to B&B's counsel Ellie Halperin and attached the Statement of Account dated 7/13/18. (*See* Ex. 9, Dep. Ex. 34, Ex. 5, Dep. Ex. 35, Brown Dep. 7/14/21, pp. 42-45, and Bulkeley Dep. 6/21/21, pp. 34-35).

49. B&B had no opportunity under the County's policies and procedures to dispute entirely or seek a modification before a Special Master or any other impartial Magistrate of the interest fees or collection agency charges. (*See* Ex. 8, Dep. Ex. 59, and Brown Dep. 7/14/21, p. 184).

50. Since OFMB prepares the Statements of Account, property owners receive a Statement of Account only after the code enforcement lien is referred to OFMB. (*See* Brown Dep. 7/14/21, pp. 45-47).

51. The County's calculation of interest, whereby it compounds interest, was not known to B&B until Ms. Brown admitted same at her deposition on 7/14/21. (*See* Brown Dep. 7/14/21, pp. 107-108 and 7/15/21, pp. 318-319).

52. The first time that B&B learned that the collection agency fees listed on the Statement of Account were not the amount of the collection agency fees that the County incurred

or paid was when Ms. Brown testified on 7/14/21. (*See* Brown Dep. 7/14/21, pp. 120-124, 137-138).

53. Class Plaintiffs are not challenging the actual violations, the daily fines, or records before the Special Master. (*See* Third Amended Complaint (D.E. 172 and D.E. 183), and testimony of O'Neal Bates at the Amended Motion for Class Certification Hearing dated 8/23/22, Transcript p. 122).

54. On March 25, 2019, B&B offered Palm Beach County \$5,904.20, representing the remaining principal balance of the daily fine, together with recording fees, in return for Palm Beach County's release of the code enforcement lien on B&B's property. (*See* Ex. 10, Dep. Ex. 17, letter from Gary Brandenburg to Shannon Fox and Glenn Meeder dated 3/25/2009; O'Neal Bates Dep. pp. 100-101).

55. The amount of \$5,904.20 was calculated by subtracting the proceeds that Palm Beach County collected from the tax deed sale, \$44,761.60, from the total amount of the daily fine, \$50,600.00, and then adding the recording costs of \$65.80. (*See* Exs. 5 and 6, Dep. Exs. 35 and 44).

56. The County did not accept this offer, and Assistant County Attorney Shannon Fox responded to B&B's counsel as follows:

As to your offer to pay the \$5,904.20 to dispose of your client's lien, the County cannot accept that offer as we feel the interest has been properly imposed on this lien.

(Ex. 11, Dep. Ex. 45 – email from assistant County Attorney Shannon Fox to Gary Brandenburg, prior counsel to B&B) dated 3/28/19.

57. On July 3, 2019, B&B filed its class action complaint. (*See* D.E. 2).

58. The County, as of January 27, 2023, decided that it would no longer seek interest and/or collection costs on code violations. (*See* County’s Responses to Plaintiff’s First Set of Interrogatories dated April 22, 2024. Response #1 (D.E. 292).

59. No notice of this decision was provided to the class, class counsel, the trial court, or the appellate court (this matter was on Appeal from January to August 2023), until class counsel received a letter dated December 6, 2023, from the County’s outside counsel. (*See* Ex. 12).

60. The County has refused to enter into a Stipulation or agree to the entry of a Court Order that it will not seek interest or collection costs from any class member or any property owner with a code enforcement lien, currently recorded against their property, whether recorded prior to or after October 31, 2023, “**pending the outcome of this lawsuit.**” (emphasis added). (*See* D.E. 292 Interrogatory Responses #4 and 5).

61. The County has refused to enter into a Stipulation or agree to a Court Order that any of the property owners listed on the excel spreadsheet provided by the County to Class Plaintiffs pursuant to the Court’s Order of January 29, 2024, do not have to pay interest or collection costs as part of the code enforcement violation penalty, “**pending the outcome of this lawsuit.**” (emphasis added). (*See* D.E. 292 Interrogatory Response #7).

62. The County has refused to agree to an entry of an injunction order by the Court prohibiting the County from charging interest and collection agency fees on code enforcement liens, without first filing a foreclosure lawsuit. (*See* D.E. 292 – Interrogatory response #10).

63. The County does not agree to reimburse each class member from whom it has collected interest and/or collection costs. (*See* D.E. 292, Interrogatory response #13).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the E-Filing Portal to all individuals on the Service List below, this 21st day of May 2024.

Respectfully submitted,

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LSilber@silberdavis.com
ADavis@silberdavis.com
dnigels@silberdavis.com

BY: /s/ Louis M. Silber
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Counsel for Plaintiff Class

B. & B. Properties v Palm Beach County
Case No: 502019CA008660XXXXMB AA

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EXHIBIT 1

ORDER
CODE ENFORCEMENT SPECIAL MASTER

TO: B & B Properties Inc.
C/o S. L. Boatwright, Reg. Agent
16545 S. W. Farm Road
Indiantown, FL 34956

C#0503090002

RE: Violation of Section 104.1.1 of the Florida Building Code, as amended. Canopy erected without required permit(s) is prohibited.

CEO: Patrick Covault

THIS CAUSE came for public hearing before the Codes Enforcement Special Master on March 1, 2006, and the Special Master having heard testimony under oath, from , received evidence and heard argument, enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, B & B Properties, Inc., c/o S. L. Boatwright, Reg. Agent , whose mailing address is 16545 S. W. Farm Road, Indiantown, FL 34956, is the owner(s) or person(s) in charge of the property located at 6900 Dwight Road, West Palm Beach (00-42-43-28-02-000-0020).
2. Respondent(s) received notice of the code violations cited above and was given reasonable time to correct said violations. Respondent(s) failed to correct said violations within the allotted time.
3. At the time of hearing, the violations cited above continued to exist.
4. Palm Beach County incurred costs in the amount of \$140.87 in successfully prosecuting this case.

CONCLUSIONS OF LAW

1. Respondent, by reason of the foregoing is in violation of the Codes as cited above, and is therefore subject to the provisions of Article 10 of the Palm Beach County Unified Land Development Code, under the authority of Chapter 162 of Florida Statutes, as may be amended.
2. Palm Beach County is entitled to recover all costs incurred in successfully prosecuting this action.

ORDER

Respondent(s) is (are) to correct the violations cited above on or before June 29, 2006 (120 days). In the event the violations cited above are not corrected on or before the compliance date, then and in that event there shall be a fine imposed against Respondent(s) in the amount of \$100.00 for each day the violations continue to exist after the compliance date. If a repeat violation has been committed, then and in that event there shall be fine imposed against Respondent(s) in the amount of n/a for each day the repeat violations continues, beginning with the date the repeat violation is found to have occurred by the code inspector. If a finding of violation or repeat violation has been made as provided in Section 162.09, Florida Statutes, a hearing shall not be necessary for issuance of the Order imposing such a fine.

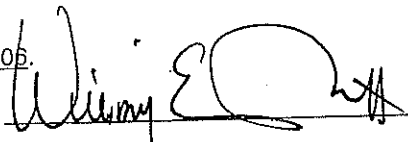
Failure to comply on or before the compliance date may result in a lien being placed against the above described property, and upon any other real or personal property owned by the respondent(s) pursuant to Sections 162.08 and 162.09, Florida Statutes may be amended and Article 10, Palm Beach County Unified Land Development Code. After three months from the filing of the lien, the County is authorized to pursue any other collection actions the County deems appropriate.

THE BURDEN SHALL REST UPON RESPONDENT(S) TO REQUEST A REINSPECTION TO DETERMINE WHETHER THE VIOLATION OR REPEAT VIOLATION HAS BEEN BROUGHT INTO COMPLIANCE.

In addition to the daily fine set forth above, you are hereby ordered, pursuant to Article 10 of the Palm Beach County Unified Land Development Code and Chapter 162 of Florida Statutes, as may be amended, to pay costs to the County in the amount of \$140.87. This amount is due and owing as of the date of this Order.

A certified copy of this Order may be recorded in the public records of Palm Beach County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Article 10 of the Palm Beach County Unified Land Development Code and Chapter 162 of Florida Statutes, as may be amended.

DONE and ORDERED this 1 day of March 2006.


William Pruitt, Special Master

ATTEST: Janet B. Macapayag
Secretary

I hereby certify that a true and correct copy of the foregoing order has been furnished to B & B Properties, Inc., c/o S. L. Boatwright, Reg. Agent, by U.S. Mail this 8th day of March, 2006.

Janet B. Macapayag
Secretary

Cc: B & B Properties Inc.
P. O. Box 698
Indiantown, FL 34956

B & B Properties, Inc.
6900 Dwight Road
Royal Palm Beach, FL 33411-2502

B & B Underground Contractors,
Inc.
Davis, Richard T.
One Clearlake Centre Suite 1601
250 Australian Ave. South
West Palm Beach, FL 33401-5016

EXHIBIT 2



CPN 20070204257
OR BK 21670 PG 0840
RECORDED 04/27/2007 09:06:05
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 0840 - 843; (4pgs)

Palm Beach County
Planning Zoning & Building
Code Enforcement Liens
2300 North Jog Road
West Palm Beach, FL 33411-2741
Acct. # 1019

104
WC

CODE ENFORCEMENT SPECIAL MASTER
OF PALM BEACH COUNTY

CASE NO. C0503090002

TO: B & B Properties, Inc.
C/o S. L. Boatwright, Reg. Agent
7984 SW 13th. St.
Okeechobee, FL 34974

CEO: Patrick Covault

PAGE 1 OF 4

ORDER IMPOSING FINE/LIEN

THIS CAUSE came for public hearing before the Code Enforcement Special Master/Code Enforcement Board on March 1, 2006, after due notice, at which time the Code Enforcement Special Master or Code Enforcement Board heard testimony under oath, received evidence, and issued its Findings of Fact, Conclusions of Law and Order, which was reduced to writing and furnished to B & B Properties, Inc., c/o S. L. Boatwright, Reg. Agent. A copy of said Order is attached hereto.

Said Order required the respondent(s) to take certain corrective action by a specified date, as more specifically set forth in that Order dated March 1, 2006.

An Affidavit of Non-Compliance dated August 21, 2006 has been filed by the code inspector, which Affidavit certifies under oath that the required corrective action was not taken by the specified date as ordered.

Accordingly, it having been brought to the Code Enforcement Special Master's attention that the respondents failed to comply by the date specified in said Order, it is hereby

ORDERED that B & B Properties, Inc., c/o S. L. Boatwright, Reg. Agent pay to Palm Beach County a fine in the amount of \$100.00 per day for every day in violation past June 29, 2006 which is the compliance date set by said Order, for the property at 6900 Dwight Road, West Palm Beach, property control number is 00-42-43-28-02-000-0020. This amount shall accrue interest at the rate allowed by law.

A certified copy of this Order may be recorded in the public records of Palm Beach County, Florida, and shall thereafter constitute a lien against the above-described property, and upon any other real or personal property owned by the respondents pursuant to Sections 162.08 and 162.09, Florida Statutes, as may be amended and Article 10, Palm Beach County Unified Land Development Code. After three months from the filing of the lien, the County is authorized to foreclose the lien or pursue any other collection actions the County deems appropriate.

104
WC

DONE AND ORDERED this 7th day of March, 2007, at West Palm Beach, Palm Beach County, Florida.

PALM BEACH COUNTY CODE ENFORCEMENT

By: [Signature]

Code Enforcement Special Master

Attest Janet B. Macapayag

Secretary

PAGE 2 OF 4

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

[Signature]
Assistant County Attorney

I hereby certify that a true and correct copy of the foregoing Order has been furnished to B & B Properties Inc., c/o S. L. Boatwright, Reg. Agent, by U.S. Mail this 14 day of March, 2007.

Janet B. Macapayag
Secretary

NOTE: If this lien is not satisfied within ninety (90) days of the date the lien is recorded, it will be referred to the Office of Financial Management for referral to a collection agency. No modification requests will be accepted and you will be responsible for any collection fees incurred by the County.

Cc: B & B Properties Inc.
6900 Dwight Road
Royal Palm Beach, FL 33411-2502

B & B Underground Contractors, Inc.
c/o Richard T. Davis, Reg. Agent
One Clearlake Centre, Suite 1601
250 Australian Avenue South
West Palm Beach, FL 33401-5016

~~B & B Underground Contractors, Inc.
C/o Richard T. Davis, Reg. Agent
250 Australian Avenue South
West Palm Beach, FL 33401-5016~~

Remailed 4/20/07
[Signature]

U:\orderfsm3 (2/02)

I HEREBY CERTIFY THAT I AM SECRETARY TO THE CODES ENFORCEMENT SPECIAL MASTER AND FURTHER THAT THIS IS A TRUE AND CORRECT COPY OF THE CODES ENFORCEMENT SPECIAL MASTER ORDER AND/OR LIEN

to B & B Properties, Inc.
S. L. Boatwright, Reg. Agent
Janet B. Macapayag
SECRETARY
CODE ENFORCEMENT

ORDER
CODE ENFORCEMENT SPECIAL MASTER

TO: B & B Properties Inc.
C/o S. L. Boatwright, Reg. Agent
16545 S. W. Farm Road
Indiantown, FL 34956

C#0503090002

RE: Violation of Section 104.1.1 of the Florida Building Code, as amended. Canopy erected without required permit(s) is prohibited.

CEO: Patrick Covault

THIS CAUSE came for public hearing before the Codes Enforcement Special Master on March 1, 2006, and the Special Master having heard testimony under oath, from , received evidence and heard argument, enters the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. Respondent, B & B Properties, Inc., c/o S. L. Boatwright, Reg. Agent , whose mailing address is 16545 S. W. Farm Road, Indiantown, FL 34956, is the owner(s) or person(s) in charge of the property located at 6900 Dwight Road, West Palm Beach (00-42-43-28-02-000-0020).
2. Respondent(s) received notice of the code violations cited above and was given reasonable time to correct said violations. Respondent(s) failed to correct said violations within the allotted time.
3. At the time of hearing, the violations cited above continued to exist.
4. Palm Beach County incurred costs in the amount of \$140.87 in successfully prosecuting this case.

CONCLUSIONS OF LAW

1. Respondent, by reason of the foregoing is in violation of the Codes as cited above, and is therefore subject to the provisions of Article 10 of the Palm Beach County Unified Land Development Code, under the authority of Chapter 162 of Florida Statutes, as may be amended.
2. Palm Beach County is entitled to recover all costs incurred in successfully prosecuting this action.

PAGE 3 OF 4

ORDER

Respondent(s) is (are) to correct the violations cited above on or before June 29, 2006 (120 days). In the event the violations cited above are not corrected on or before the compliance date, then and in that event there shall be a fine imposed against Respondent(s) in the amount of \$100.00 for each day the violations continue to exist after the compliance date. If a repeat violation has been committed, then and in that event there shall be fine imposed against Respondent(s) in the amount of n/a for each day the repeat violations continues, beginning with the date the repeat violation is found to have occurred by the code inspector. If a finding of violation or repeat violation has been made as provided in Section 162.09, Florida Statutes, a hearing shall not be necessary for issuance of the Order imposing such a fine.

Failure to comply on or before the compliance date may result in a lien being placed against the above described property, and upon any other real or personal property owned by the respondent(s) pursuant to Sections 162.08 and 162.09, Florida Statutes may be amended and Article 10, Palm Beach County Unified Land Development Code. After three months from the filing of the lien, the County is authorized to pursue any other collection actions the County deems appropriate.

THE BURDEN SHALL REST UPON RESPONDENT(S) TO REQUEST A REINSPECTION TO DETERMINE WHETHER THE VIOLATION OR REPEAT VIOLATION HAS BEEN BROUGHT INTO COMPLIANCE.

In addition to the daily fine set forth above, you are hereby ordered, pursuant to Article 10 of the Palm Beach County Unified Land Development Code and Chapter 162 of Florida Statutes, as may be amended, to pay costs to the County in the amount of \$140.87. This amount is due and owing as of the date of this Order.

A certified copy of this Order may be recorded in the public records of Palm Beach County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Article 10 of the Palm Beach County Unified Land Development Code and Chapter 162 of Florida Statutes, as may be amended.

DONE and ORDERED this 1 day of March 2006.

William Pruitt, Special Master

ATTEST: Janet B. Macapayag
Secretary

I hereby certify that a true and correct copy of the foregoing order has been furnished to B & B Properties, Inc., c/o S. L. Boatwright, Reg. Agent, by U.S. Mail this 01st day of March, 2006.

Janet B. Macapayag
Secretary

Cc: B & B Properties Inc.
P. O. Box 698
Indiantown, FL

B & B Properties, Inc.
6900 Dwight Road
Royal Palm Beach, FL 33411-2502

BY CERTIFY THAT I AM SECRETARY TO THE UNDERGROUND CONTRACTORS, THAT THIS IS A TRUE AND CORRECT COPY OF THE CODES ENFORCEMENT SPECIAL MASTER ORDER AND/OR LIEN. Davis, Richard T.

u:ordersmwiththistimony (10/26/99)

One Clearlake Centre Suite 1601
250 Australian Ave, South
West Palm Beach, FL 33401-5016

Janet Macapayag
REG. AGENT
SECRETARY
CODE ENFORCEMENT

PAGE 4 OF 4

EXHIBIT 3

PALM BEACH COUNTY PLANNING, ZONING AND BUILDING DEPARTMENT
DIVISION OF CODE ENFORCEMENT
100 AUSTRALIAN AVENUE, WEST PALM BEACH, FL. 33406
(561) 233-5500

NAME: B & B PROPERTIES Inc. DATE: 8/2/06
B & B Underground Contractors Inc.
% S.L. Boatwright Reg AG.

ADDRESS: _____ CASE # C0503070002
P.O. Box 698
INDIANTOWN, FL

PREMISES: 6900 DWIGHT Rd
WPB, FL 34956

PROPERTY CONTROL # 00 42 43 28 02 000 0020

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared PATRICK
COVALT, who being first duly sworn, under oath, deposes and says:

1. That I am a Code Inspector for Palm Beach County Planning, Zoning and Building Department, Division of Code Enforcement, duly authorized by the local governing body to assure compliance with the various codes and ordinances in effect in Palm Beach County.
2. That pursuant to Code Enforcement Board Order dated 3/21/2006 B. & B Properties Inc. + B & B Underground Contractors Inc. was/were found in violation of one or more codes or ordinances in effect in Palm Beach County, as specifically set forth in said Order.
3. That said Order provided further that the violation or violations must be corrected by 6/29/2006, or a daily fine would be imposed for each day thereafter until corrected, as specifically set forth in said Order.
4. That on 7/5/2006, I inspected the premises described in said Order and find that any and all violations described in said Order have not been corrected as of the date of my inspection.

- 5. That the above facts are true and accurate to the best of my knowledge.
- 6. That the statements contained herein are made on personal knowledge and such statements are true and accurate on the basis of all information available to the Affiant on the date contained herein.

DATED this 21 day of AUGUST, 2006.

FURTHER AFFIANT SAYETH NOT

Ralph Casault

AFFIANT

Sworn to and subscribed
before me this 21 day of
August, 2006.

Norm B. Lamb
NOTARY PUBLIC, State of
Florida at Large

My Commission Expires:

NOTICE: PURSUANT TO THIS AFFIDAVIT OF NON-COMPLIANCE, AN ORDER IMPOSING FINE AND LIEN MAY BE FILED BY PALM BEACH COUNTY. YOU HAVE THE RIGHT TO REQUEST A HEARING TO CHALLENGE THE IMPOSITION OF A FINE AS PROVIDED IN THE ORDER OF VIOLATION. YOUR REQUEST MUST BE IN WRITING AND FILED WITH THE CODE ENFORCEMENT DIVISION WITHIN 20 DAYS OF THE DATE OF THIS NOTICE. SUCH A HEARING IS LIMITED TO A CONSIDERATION OF THE STATUS OF THE VIOLATION AND EVIDENCE RELEVANT TO THE IMPOSITION OF AN APPROPRIATE DAILY FINE.

I hereby certify that a true and correct copy of the foregoing Affidavit has been furnished to B & B Properties Inc. & B & B Underground Contractors Inc., by U.S. Mail this 21 day of August, 2006.

R. Lamb
Secretary

u: aff_noncompliance 09-27-05
KL/nk/dw

*B & B Properties Inc. & B & B Underground Contractors Inc.
6900 Dwight Rd West Palm Beach, FL 33411*

EXHIBIT 4

11/18/2015 10:11:24 AM

CFN 20150419412
OF BK 27029 PD 0095
RECORDED 11/18/2015 10:11:24
Palm Beach County, Florida
Sharon K. Hook, CLERK & COMPTROLLER
Pgs 0095 - 95 (2pgs)

Palm Beach County
Planning Zoning & Building
Code Enforcement Liens
2300 North Jog Road
West Palm Beach, FL 33411-2741
Acct. # 1019

104
WIC

PALM BEACH COUNTY PLANNING, ZONING AND BUILDING DEPARTMENT
DIVISION OF CODE ENFORCEMENT
2300 N JOG ROAD, WEST PALM BEACH, FL 33411
(888) 238-8800

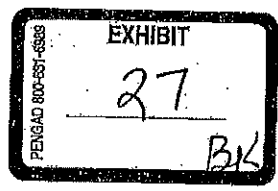
PAGE 1 of 2

NAME: B & B PROPERTIES INC
w/o S. L. BOATWRIGHT REG. AGT.
DATE: November 4, 2016
COMPLAINT NO.: C-2006-03090002

MAILING ADDRESS: 7884 SW 13th St
Okeechobee, FL 34074

SUBJECT PREMISES: 6800 Dwight Rd
West Palm Beach, FL

PROPERTY CONTROL #: 00-42-43-26-02-000-0020



AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared PBO Code Enforcement Officer Patrick Covault, who being first duly sworn, under oath, deposes and says:

1. That I am a Code Inspector for Palm Beach County Planning, Zoning and Building Department, Division Of Code Enforcement, duly authorized by the local governing body to assure compliance with the various codes and ordinances in effect in Palm Beach County.
2. That pursuant to Code Enforcement Board/Special Master order dated March 1, 2006, B & B PROPERTIES INC w/o S. L. BOATWRIGHT REG. AGT., respondent was/were found in violation of one or more codes or ordinances in effect in Palm Beach County, as specifically set forth in said Order.
3. That said Order provided further that the violation or violations must be corrected by June 29, 2006, or a daily fine would be imposed for each day thereafter until corrected, as specifically set forth in said Order.

104
WIC
Paym Credit

This is a true and correct copy

4. That on October 9, 2016, I inspected the premises and/or verified compliance of the code as described in said Order and find that any and all violations described in said Order have been corrected as of November 18, 2017.

5. That the above facts are true and accurate to the best of my knowledge.

6. That the statements contained herein are made on personal knowledge and such statements are true and accurate on the basis of all information available to the Affiant on the date contained herein.

PAGE 2 OF 2

DATED this 4th of November, 2016
FURTHER AFFIANT SAYETH NOT

[Signature]

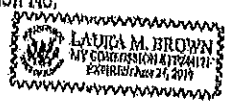
AFFIANT

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to and subscribed before me this 4th day of November, 2016, by ROBERT BROWN, who is personally known to me.

[Signature]
Notary Public, State of Florida

My Commission Expires:
Commission No.



cc: B & B Properties Inc
6000 Dwight Rd, Royal Palm Beach, FL 33411
B&B Underground Contractors, Inc. r.

EXHIBIT 5

**Palm Beach County
Statement of Account
for Code Enforcement Lien**

Debtor Name: B&B Properties
Lien #: ORB:21670 **Page:** 0840 **On:** 04/27/07
Case #: C-2005-03090002
Property Control #: 00-42-43-28-02-000-0020
Property Address: 6900 Dwight Road, West Palm Beach FL

	<u>Amount</u>
Principal Fine Amount (506 days x \$100):	\$50,600.00
Accrued Interest (06/30/06 - 11/18/07):	4,053.05
Accrued Interest (11/19/07 - 05/25/18):	63,247.80
Case Costs:	pd on 03/27/06
Recording Fees:	65.80
Collection Agency Fees:	22,413.66
Total Amount Due Thru 05/25/18	\$140,380.31
Less: Partial Payment Received from COC on 5/25/18 from tax deed sales proceeds on cross attached parcel.	(44,761.60)
Balance Due As Of 5/25/18	\$95,618.71
plus additional interest (05/26/18 thru 07/13/18)	247.42
plus additional collection agency fees (05/26/18 thru 07/13/18)	47.01
Balance Due as of 07/13/18	\$95,913.14

Note: Accrued Interest fees are in accordance with chapter 55, Paragraph 55.03, Florida Statutes. The Interest Rate in effect in 2007, when the lien was entered, was 11% and is the rate that has been used in the above computation.

PG122807

NOV Date: 03/18/05
CESM Hearing Date: 03/01/06 (11.4 months)
Ordered Compliance: 06/29/06 (15.4 months)
AOC Date: 11/18/07 (32.1 months)
of Fine Days: 506

The Daily Per Diem after 07/13/18 is \$4.68

B&B000205

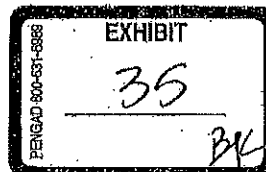


EXHIBIT 6

1/17/2019

AT&T Yallop - B & B Properties Code Lien - Case Number C-2005-03090002 - 6900 Dwight Road

B & B Properties Code Lien - Case Number C-2005-03090002 - 6900 Dwight Road

From: Glenn Meeder (GMeeder@pbccgov.org)

To: bandbproperties@att.net

Date: Wednesday, January 16, 2019, 10:51 AM EST

Good Morning Ms. Chappell,

Pursuant to your request, I have attached a copy of the code enforcement lien payoff statement together with copies of the pertinent code lien documents for the subject case. Said statement has been computed up through 1/31/19 with the daily per diem thereafter noted on the bottom of the statement.

Payment should be made payable to : PALM BEACH COUNTY BOCC and remitted to my attention following address:

PALM BEACH COUNTY

C/O OFMB

301 N. OLIVE AVE., 7TH FLOOR

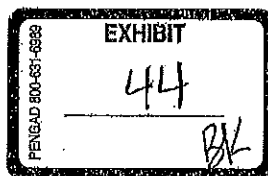
WEST PALM BEACH, FL. 33401

Once full payment has been received by the County, we will prepare and have the applicable release of lien executed and recorded thereby removing the code lien from the subject property and all other real and personal property under their ownership.

If you should have any questions, please let me know.

Glenn Meeder

Collections Coordinator



B&B000130

1/17/2019

AT&T Yahoo Mail - B & B Properties Code Lien - Case Number C-2019-08090002 - 6900 Dwight Road

Palm Beach County

Office of Financial Management & Budget

301 North Olive Avenue

West Palm Beach, FL 33401, 7th Floor

Office (561) 355-4010 Fax (561) 656-7143

smeseder@pbccgov.org

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



DOC011619.pdf
1.5MB

B&B000131

2/2

**Palm Beach County
Statement of Account
for Code Enforcement Lien**

Debtor Name: B&B Properties
 Lien #: ORB:21670 Page: 0840 On: 04/27/07
 Case #: C-2005-03090002
 Property Control #: 00-42-43-28-02-000-0020
 Property Address: 6900 Dwight Road, West Palm Beach FL

	<u>Amount</u>
Principal Fine Amount (506 days x \$100):	\$50,600.00
Accrued Interest (06/30/06 - 11/18/07):	4,053.05
Accrued Interest (11/19/07 - 05/25/18):	63,247.80
Case Costs:	
Recording Fees:	pd on 03/27/06
Collection Agency Fees:	65.80
	22,413.66
Total Amount Due Thru 05/25/18	\$140,380.31
Less: Partial Payment Received from COC on 5/25/18 from tax deed sales proceeds on cross attached parcel.	(44,761.60) *
Balance Due As Of 5/25/18	\$95,618.71
plus additional interest (05/26/18 thru 01/31/19)	1,288.66
plus additional collection agency fees (05/26/18 thru 01/31/19)	244.85
Balance Due as of 01/31/19	\$97,152.22

Note: Accrued Interest fees are in accordance with chapter 55, Paragraph 55.03, Florida Statutes. The Interest Rate in effect in 2007, when the lien was entered, was 11% and is the rate that has been used in the above computation.

PC122807

NOV Date: 03/18/05
 CESM Hearing Date: 03/01/06 (11.4 months)
 Ordered Compliance: 06/29/06 (15.4 months)
 AOC Date: 11/18/07 (32.1 months)
 # of Fine Days: 506

The Daily Per Diem after 01/31/19 is \$4.68

EXHIBIT 7

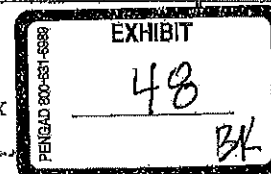
Case: C-2006-03090002

Case Notes

CEO: PCOVAULT_5009

Showing: 1 to 66 of total 66 Records

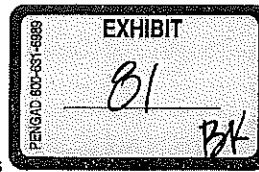
Event Date	Comments	Entered By	Date Entered
	ANONYMOUS. TRASH AND DEBRIS.		
	3/18/05 NOV ISSUED. PC 3/18/05 TGC		
	NO DATE - EXTENDED COMPL. TO 6/27/05. PER LETTER PERMITTING PROCESS		
	STARTED REQUIRES MORE TIME TO COMPLETE. ORIGINALLY GAVE ONLY 30 DAYS		
	AND PERMITS DO REQUIRE LONGER. 4/26/05 JRM		
05/31/2005	5/31/05 - EXTENDED COMPL. TO 7/28/05. THEY ARE APPLYING FOR A VARIANCE		
06/31/2005	DUE TO SETBACK REQUIREMENTS AND THE PROCESS SHOULD TAKE ABOUT 60		
06/31/2005	DAYS. ATTACHED. JRM		
08/09/2005	8/9/05 EXTENDED DATE TO 9/19/05. VARIANCE AND PERMIT ISSUES STILL IN		
08/09/2005	PROCESS REQUIRES ADDITIONAL TIME TO COMPLETE. PC 8/10/05 TGC		
09/19/2005	9/19/05 EXTENDED DATE TO 10/28/05 TRYING TO OBTAIN VARIANCES FOR		
09/19/2005	BUILDINGS AND PERMIT FOR CANOPY. PC 9/28/05 TGC		
01/24/2006	1/24/06 - NEXT STEP SPECIAL MASTER 3/1/06 PC 1/24/06 BAB		
03/01/2006	3/1/06 SP. MASTER HEARING: (MR. PRUITT - PRESENT) GRANTED 120 DAYS		
03/01/2006	TO COME INTO COMPLIANCE OR \$100.00 PER DAY FINE. COST: \$140.87. JBM		
03/14/2006	3/14/06 ADD 2ND CORP. OWNER/REG. AGENT AS CC PER TV; REFERRED TO CEH		
03/14/2006	SECY TO UPDATE & SEND COPIES. NK		
03/27/2006	3/27/06 PAID \$140.87 COSTS. NK		
08/07/2006	8-07-06 SEND MAIL TO ALL ADDRESSES, THE 6900 DWIGHT RD ADDRESS IS WHER	PCOVAULT_5009	08/07/2006
08/07/2006	E THE MAIL WAS ACCEPTED.	PCOVAULT_5009	08/07/2006
08/21/2006	AFF OF NON COMPLIANCE MAILED 8/21/06	KLAMB	08/21/2006
08/21/2006	8/21/06 GAVE FILE TO TV TO FILE LIEN	KLAMB	08/21/2006
08/31/2006	8/31/06 PENDING LIEN PROCESS REVIEW RE OWNERSHIP/SERVICE; CEH SECY.	NKING	09/01/2006
08/31/2006	TO REVIEW CEH TAPES TO DETERMINE IF REPRESENTATIVE PRESENT. NK	NKING	09/01/2006
10/16/2006	10/16/06 STATUS INQUIRY TO CEH SECY. NK	NKING	10/17/2006
11/01/2006	11/1/06 STATUS INQUIRY TO CEH SECY. NK	NKING	10/31/2006
01/11/2007	1/11/07 STATUS INQUIRY TO CEH SECY. NK	NKING	01/10/2007
01/31/2007	1/31/07 STATUS INQUIRY TO TV. NK	NKING	01/30/2007
01/31/2007	1/31/07 RECD. CISM ORDER FROM CEH SECY. NK	NKING	02/02/2007
02/02/2007	2/2/07 REFERRED TO CEH SECY TO PROCEED WITH LIEN AS NOTED PER TV. NK	NKING	02/02/2007
02/21/2007	2/21/07: COMPLETE ADDRESS FOR CC: B & B UNDERGROUND CONTRACTORS, INC.,	JMACAPAY_679	02/21/2007
02/21/2007	RICHARD T. DAVIS, REG. AGENT, ONE CLEARLAKE CENTRE, SUITE 1601, 250	JMACAPAY_679	02/21/2007
02/21/2007	AUSTRALIAN AVENUE SOUTH, WEST PALM BEACH, FL 33401-5016.	JMACAPAY_679	02/21/2007
02/21/2007	2/21/07. ORDER IMPOSING FINE/LIEN IN PROCESS. WAITING FOR SPECIAL	JMACAPAY_679	02/21/2007



02/21/2007	MASTER'S SIGNATURE.	JMACAPAY_679	02/21/2007
03/07/2007	3/7/07. LIEN SENT TO COUNTY ATTORNEY'S OFFICE FOR SIGNATURE.	JMACAPAY_679	03/07/2007
03/15/2007	3/15/07. FILE GIVEN TO NANCY KING TO PROCESS RECORDING OF LIEN.	JMACAPAY_679	03/15/2007
03/19/2007	3/19/07 LIEN RETD TO CEH SECY TO COMPLETE. NK	NKING	03/19/2007
04/20/2007	4/20/07. LIEN REMAILED TO PROPERTY OWNER(S).	JMACAPAY_679	04/23/2007
04/23/2007	4/23/07 LIEN REFERRED TO ACCT. TO RECORD. NK	NKING	04/23/2007
04/27/2007	4/27/07 LIEN RECORDED 21670/0840. NK	NKING	05/29/2007
10/03/2007	10/3/07 NK/TV APRIL '07 OFMB REVIEW. NK	NKING	10/04/2007
10/15/2007	10/15/07 LIEN REFERRED TO ACCT. FOR OFMB REFERRAL. NK	NKING	10/15/2007
11/21/2007	11/21/07 LIEN REFERRED TO OFMB FOR COLLECTION. NK	NKING	11/27/2007
12/28/2007	12/28/07 LIEN REFERRED TO PENN CREDIT CORP. FOR COLLECTION. NK	NKING	01/25/2008
10/09/2015	Two Mobile homes still on property without required permits, no canopy.	CFOULKE	10/09/2015
10/09/2015	CEO spoke w/Gabriel Gonzalez (659-5622) to advise property remains in violation; site inspection by CFoulke confirmed 2 mobile homes remain on alle.	20160905BBOYNTON	10/09/2015
10/22/2015	Mr O'Neil Bates & Stephen in office re: AOC; search of 2007 Redl-map (dated 2006) confirm canopy structure on property as cited; review of 2008 Redl Map (dated 2008) shows canopy structure removed; Att'd copies of aerial photos (Pictometry.com dated 3/6/07 canopy remains; pictometry photo dated 12/29/2009 canopy gone; CEO advised to provide any dated sales receipts and shipping records to confirm date canopy was removed and AOC may be able to be dated with those dates, as of now, 12/29/09 is the confirmed date canopy was removed from property.	20160906BBOYNTON	10/22/2015
10/23/2015	Inquiry from Stephen Decker, P.E., B&B Underground Contractors Inc. (561-249-0341; SDecker@bbundergroundcontractors.com), re 3/10/07 B & B annual report reflecting change of Reg. Agent/President with respect to filing of fines/lien. Response to CEO that change of reg. agent/officers does not affect the fines/lien. Owner needs to provide documentation of date of compliance for CEO's review for AOC and to contact G.Meeder, OFMB, re settlement of lien.	NKING	10/23/2015
11/04/2015	AOC - In compliance as of 11/18/2007. Fine Stop Date 11/18/2007. SMO was for canopy without permit only; CEO rec'd copy of an invoice (cc att'd) dated 11/18/2007 showing canopy and framing transported from 6900 Dwight Rd to Indiantown, FL; AOC date was entered in accordance with invoice.	20160906BBOYNTON	11/04/2015
11/04/2015	Action - OPENLY KEEPING/STORING OF A MOBILE HOME/ closed.	20160906BBOYNTON	11/04/2015
11/04/2015	Cited violation has been corrected.	20160906BBOYNTON	11/04/2015
11/04/2015	Compliance updates for subject Order forwarded to G.Meeder, OFMB, for contact re settlement of lien.	NKING	11/04/2015
11/06/2015	Recd, notarized and attached the Affidavit of Compliance to the case. Original to accounting for recording. File back to the active lien file.	20160703LMBROWN	11/06/2015
11/16/2015	Affidavit of Compliance () recorded in 27929/95.	HHICKMAN	01/13/2016
11/30/2017	Notice of Application for Tax Deed of cross-attached property located at 683 105th Ave N, Unit 8, RPB (72-41-43-36-10-000-0080) scheduled for public sale on 1/17/18.	NKING	12/21/2017
01/17/2018	Cross-attached property located at 683 105th Ave N, Unit 8, RPB (72-41-43-36-10-000-0080) sold at public sale with	NKING	01/31/2018

	surplus funds.		
01/19/2018	Notification of Tax Deed surplus funds from sale of cross-attached property located at 583 105th Ave N, Unit 8, RPB (72-41-43-36-10-000-0080), together with surplus Statement of Claim to be filed by G.Meeder, OFMB.	NKING	01/31/2018
06/30/2018	\$44,761.60 partial payment paid to OFMB pursuant to Tax Deed surplus distribution from Tax Deed sale of cross-attached property located at 583 105th Ave., N, Unit 8, RPB (72-41-43-36-10-000-0080).	NKING	06/31/2018
06/12/2018	Paid \$7,146.81 CE Collection Agency Fees, \$65.80 CE Document Recording Fees + \$37,548.99 CE B Fines & Liens, Total \$44,761.60 Partial payment. Receipt No: 2018-0526-332.	VWHITE	06/12/2018
07/16/2018	Request from Attorney Eille Halperin, Halperin Law, (661-478-4722; eille@halperin-law.com) to review file referred to Secy. K.Lamb by G.Meeder, OFMB.	NKING	07/16/2018
08/21/2018	Confirmation from Atty. Eille Halperin, Halperin Law, (661-478-4722; eille@halperin-law.com) re attendance at 8/24/18 meeting with Director, Asst. Cnty Atty. S.Fox, G.Meeder and D.MacDonald, OFMB.	NKING	08/21/2018
04/01/2019	Lien recalled from Penn Credit to OFMB only, not full recall, by G.Meeder, OFMB, pursuant to directive from County Atty's Office due to on-going pre-litigation discussions with legal counsel for the owner.	NKING	04/02/2019
04/01/2019	Penn Credit lien account closed per Brett Templin, Penn Credit Corp. (brett.templin@penncredit.com).	NKING	04/02/2019
07/15/2019	Shannon Fox from the County Attorney's office took hard copy file to Andrew Pellino in the CA's office	KLAMB	07/15/2019
09/12/2019	File returned to CE and placed in active lien file.	KLAMB	09/12/2019

Close



Case: C-2005-03090002

Case Notes

CEO: PCOVault_5009

Showing: 1 to 73 of total 73 Records			
Event Date	Comments	Entered By	Date Entered
	ANONYMOUS. TRASH AND DEBRIS.		
	3/18/5 NOV ISSUED. PC 3/18/5 TGC		
	NO DATE - EXTENDED COMPL. TO 5/27/5. PER LETTER PERMITTING PROCESS		
	STARTED REQUIRES MORE TIME TO COMPLETE. ORIGINALLY GAVE ONLY 30 DAYS		
	AND PERMITS DO REQUIRE LONGER. 4/26/5 JRM		
12/04/2002	Statutory Warranty Deed issd. to B & B Properties Inc. and B & B Underground Contractors Inc., recorded 12/16/02 in 14537/1491.	NKING	08/12/2020
05/31/2005	5/31/5 - EXTENDED COMPL. TO 7/28/5. THEY ARE APPLYING FOR A VARIANCE		
05/31/2005	DUE TO SETBACK REQUIREMENTS AND THE PROCESS SHOULD TAKE ABOUT 60		
05/31/2005	DAYS. ATTACHED. JRM		
08/09/2005	8/9/5 EXTENDED DATE TO 9/19/5. VARIANCE AND PERMIT ISSUES STILL IN		
08/09/2005	PROCESS REQUIRES ADDITIONAL TIME TO COMPLETE. PC 8/10/5 TGC		
09/19/2005	9/19/5 EXTENDED DATE TO 10/28/5 TRYING TO OBTAIN VARIANCES FOR		
09/19/2005	BUILDINGS AND PERMIT FOR CANOPY. PC 9/28/5 TGC		
01/24/2006	1/24/06 - NEXT STEP SPECIAL MASTER 3/1/06 PC 1/24/06 BAB		
03/01/2006	3/1/06 SP. MASTER HEARING: (MR. PRUITT - PRESENT) GRANTED 120 DAYS		
03/01/2006	TO COME INTO COMPLIANCE OR \$100.00 PER DAY FINE. COST: \$140.87. JBM		
03/14/2006	3/14/06 ADD 2ND CORP. OWNER/REG. AGENT AS CC PER TV; REFERRED TO CEH		
03/14/2006	SECY TO UPDATE & SEND COPIES. NK		
03/27/2006	3/27/06 PAID \$140.87 COSTS. NK		
08/07/2006	8-07-06 SEND MAIL TO ALL ADDRESSES, THE 6900 DWIGHT RD ADDRESS IS WHER	PCOVault_5009	08/07/2006
08/07/2006	E THE MAIL WAS ACCEPTED.	PCOVault_5009	08/07/2006
08/21/2006	AFF OF NON COMPLIANCE MAILED 8/21/06	20210202KLAMB	08/21/2006
08/21/2006	8/21/06 GAVE FILE TO TV TO FILE LIEN	20210202KLAMB	08/21/2006
08/31/2006	8/31/06 PENDING LIEN PROCESS REVIEW RE OWNERSHIP/SERVICE; CEH SECY.	NKING	09/01/2006
08/31/2006	TO REVIEW CEH TAPES TO DETERMINE IF REPRESENTATIVE PRESENT. NK	NKING	09/01/2006
10/16/2006	10/16/06 STATUS INQUIRY TO CEH SECY. NK	NKING	10/17/2006
11/01/2006	11/1/06 STATUS INQUIRY TO CEH SECY. NK	NKING	10/31/2006
01/11/2007	1/11/07 STATUS INQUIRY TO CEH SECY. NK	NKING	01/10/2007
01/31/2007	1/31/07 STATUS INQUIRY TO TV. NK	NKING	01/30/2007
01/31/2007	1/31/07 RECD. CESM ORDER FROM CEH SECY. NK	NKING	02/02/2007
02/02/2007	2/2/07 REFERRED TO CEH SECY TO PROCEED WITH LIEN AS NOTED PER TV. NK	NKING	02/02/2007
02/21/2007	2/21/07: COMPLETE ADDRESS FOR CC: B & B UNDERGROUND CONTRACTORS, INC.,	JMACAPAY_679	02/21/2007
02/21/2007	RICHARD T. DAVIS, REG. AGENT, ONE CLEARLAKE CENTRE, SUITE 1601, 250	JMACAPAY_679	02/21/2007
02/21/2007	AUSTRALIAN AVENUE SOUTH, WEST PALM BEACH, FL	JMACAPAY_679	02/21/2007

	33401-5016.		
02/21/2007	2/21/07. ORDER IMPOSING FINE/LIEN IN PROCESS. WAITING FOR SPECIAL	JMACAPAY_679	02/21/2007
02/21/2007	MASTER'S SIGNATURE.	JMACAPAY_679	02/21/2007
03/07/2007	3/7/07. LIEN SENT TO COUNTY ATTORNEY'S OFFICE FOR SIGNATURE.	JMACAPAY_679	03/07/2007
03/15/2007	3/15/07. FILE GIVEN TO NANCY KING TO PROCESS RECORDING OF LIEN.	JMACAPAY_679	03/15/2007
03/19/2007	3/19/07 LIEN RETD TO CEH SECY TO COMPLETE. NK	NKING	03/19/2007
04/20/2007	4/20/07. LIEN REMAILED TO PROPERTY OWNER(S).	JMACAPAY_679	04/23/2007
04/23/2007	4/23/07 LIEN REFERRED TO ACCT. TO RECORD. NK	NKING	04/23/2007
04/27/2007	4/27/07 LIEN RECORDED 21670/0840. NK	NKING	05/29/2007
04/27/2007	Lien recorded in the name of B & B Properties Inc.; B & B Underground Contractors Inc. listed as cc on lien, 21670/840.	NKING	08/12/2020
10/03/2007	10/3/07 NK/TV APRIL '07 OFMB REVIEW. NK	NKING	10/04/2007
10/15/2007	10/15/07 LIEN REFERRED TO ACCT. FOR OFMB REFERRAL. NK	NKING	10/15/2007
11/21/2007	11/21/07 LIEN REFERRED TO OFMB FOR COLLECTION. NK	NKING	11/27/2007
12/28/2007	12/28/07 LIEN REFERRED TO PENN CREDIT CORP. FOR COLLECTION. NK	NKING	01/25/2008
07/31/2014	Quit Claim Deed from B & B Underground Contractors Inc. to B & B Properties Inc., recorded 8/22/14 in 26995/957.	NKING	08/12/2020
10/09/2015	Two Mobile homes still on property without required permits, no canopy.	CFOULKE	10/09/2015
10/09/2015	CEO spoke w/Gabriel Gonzalez (659-5522) to advise property remains in violation; site inspection by CFoulke confirmed 2 mobile homes remain on site.	20160905BBOYNTON	10/09/2015
10/22/2015	Mr O'Neil Bates & Stephen in office re: AOC; search of 2007 Redi-map (dated 2006) confirm canopy structure on property as cited; review of 2008 Redi Map (dated 2008) shows canopy structure removed; Att'd copies of aerial photos (Pictometry.com dated 3/5/07 canopy remains; pictometry photo dated 12/29/2009 canopy gone; CEO advised to provide any dated sales receipts and shipping records to confirm date canopy was removed and AOC may be able to be dated with those dates, as of now, 12/29/09 is the confirmed date canopy was removed from property.	20160905BBOYNTON	10/22/2015
10/23/2015	Inquiry from Stephen Decker, P.E., B&B Underground Contractors Inc. (561-249-0341; SDecker@bbundergroundcontractors.com), re 3/10/07 B & B annual report reflecting change of Reg. Agent/President with respect to filing of fines/lien. Response to CEO that change of reg. agent/officers does not affect the fines/lien. Owner needs to provide documentation of date of compliance for CEO's review for AOC and to contact G.Meeder, OFMB, re settlement of lien.	NKING	10/23/2015
11/04/2015	AOC - In compliance as of 11/18/2007. Fine Stop Date 11/18/2007. SMO was for canopy without permit only; CEO rec'd copy of an invoice (cc att'd) dated 11/18/2007 showing canopy and framing transported from 6900 Dwight Rd to Indiantown, FL; AOC date was entered in accordance with invoice.	20160905BBOYNTON	11/04/2015
11/04/2015	Action - OPENLY KEEPING/STORING OF A MOBILE HOME/ closed.	20160905BBOYNTON	11/04/2015
11/04/2015	Cited violation has been corrected.	20160905BBOYNTON	11/04/2015
11/04/2015	Compliance updates for subject Order forwarded to G.Meeder, OFMB, for contact re settlement of lien.	NKING	11/04/2015
11/06/2015	Recd, notarized and attached the Affidavit of Compliance to the case. Original to accounting for recording. File back to the	20160703LMBROWN	11/06/2015

	active lien file.		
11/16/2015	Affidavit of Compliance() recorded in 27929/95.	HHICKMAN	01/13/2016
11/30/2017	Notice of Application for Tax Deed of cross-attached property located at 583 105th Ave N, Unit 8, RPB (72-41-43-36-10-000-0080) scheduled for public sale on 1/17/18.	NKING	12/21/2017
01/17/2018	Cross-attached property located at 583 105th Ave N, Unit 8, RPB (72-41-43-36-10-000-0080) sold at public sale with surplus funds.	NKING	01/31/2018
01/19/2018	Notification of Tax Deed surplus funds from sale of cross-attached property located at 583 105th Ave N, Unit 8, RPB (72-41-43-36-10-000-0080), together with surplus Statement of Claim to be filed by G.Meeder, OFMB.	NKING	01/31/2018
05/30/2018	\$44,761.60 partial payment paid to OFMB pursuant to Tax Deed surplus distribution from Tax Deed sale of cross-attached property located at 583 105th Ave., N, Unit 8, RPB (72-41-43-36-10-000-0080).	NKING	05/31/2018
06/12/2018	Paid \$7,146.81 CE Collection Agency Fees, \$65.80 CE Document Recording Fees + \$37,548.99 CEB Fines & Liens, Total \$44,761.60 Partial payment. Receipt No: 2018-0525-332.	VWHITE	06/12/2018
07/16/2018	Request from Attorney Ellie Halperin, Halperin Law, (561-478-4722; ellie@halperin-law.com) to review file referred to Secy. K.Lamb by G.Meeder, OFMB.	NKING	07/16/2018
08/21/2018	Confirmation from Atty. Ellie Halperin, Halperin Law, (561-478-4722; ellie@halperin-law.com) re attendance at 8/24/18 meeting with Director, Asst. Cnty Atty. S.Fox, G.Meeder and D.MacDonald, OFMB.	NKING	08/21/2018
04/01/2019	Lien recalled from Penn Credit to OFMB only, not full recall, by G.Meeder, OFMB, pursuant to directive from County Atty's Office due to on-going pre-litigation discussions with legal counsel for the owner.	NKING	04/02/2019
04/01/2019	Penn Credit lien account closed per Brett Templin, Penn Credit Corp. (brett.templin@penncredit.com).	NKING	04/02/2019
06/21/2019	Email from K.Lamb, Sr.Sec, to Lois Erickson that no interest be charged on Code Enf liens.	NKING	01/25/2021
06/21/2019	Email from Director to L.Erickson that suspension of interest is an interim decision with Legal's decision.	NKING	01/25/2021
07/15/2019	Shannon Fox from the County Attorney's office took hard copy file to Andrew Pelimo in the CA's office	20210202KLAMB	07/15/2019
09/12/2019	File returned to CE and placed in active lien file.	20210202KLAMB	09/12/2019
05/12/2020	Email from V.White, Acct., to HelpDesk to reinstate interest effective 5/11/20 per County Atty/Verdenia Banker.	NKING	01/25/2021
03/02/2021	*****FILE***** To Vickie White, Accounting Department.	BROBINSON	03/02/2021

Close

EXHIBIT 8



**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
CODE ENFORCEMENT DIVISION
POLICY AND PROCEDURE**

Robert Santos-Alborná, Director

PPM # PE-C-002
Issued: 12/31/96
Effective: 10/01/96
Revised: 09/01/17

SUBJECT: REQUESTS FOR MITIGATION OF FINE AND REQUEST FOR A MODIFICATION HEARING

AUTHORITY: Florida State Statutes 162, Palm Beach Code of Ordinances

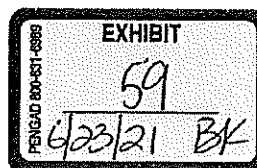
PURPOSE: To set forth a standard procedure for receiving and processing modification of fine requests.

PROCEDURE: Requests for Mitigation and a Modification Hearing is not a right, but rather a process established to reward compliance. In the event that there are mitigating circumstances that prevented timely compliance, Code Enforcement staff has established a process to mitigate the amount of the fine requests for modification of fine. The following must be verified prior to any request being processed:

1. All violations, which were the subject of the initial hearing, Must Be Corrected as noted by and Affidavit of Compliance in the file.
2. Receipt of an application fee, noted in the PZB Fee Schedule, for each request for modification.
3. Any assessed and outstanding costs must be paid.
4. The lien has not been referred to OFMB for collection. No cases referred to OFMB will be considered for a modification hearing.

After confirmation of compliance with the above criteria, the staff enters the appropriate data to assure scheduling of the request.

Clerical support staff proceeds to prepare copies of each application along with support documentation to provide to the Special Magistrate. These packets are forwarded approximately two weeks prior to the scheduled Hearing.



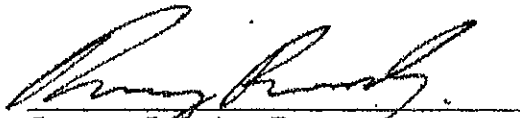
Requests for modifications are scheduled for 9:00 a.m. on the 3rd Wednesday of the month.

Respondents shall be restricted to discussing only that information set forth in the Request application. Cases will not be re-heard "de novo."

Postponements of modification requests are to be considered by the Code Enforcement Director, and they need no approval of the Special Magistrate. The petitioner shall make an appropriate written request to that effect.

Should the petitioner not attend a scheduled hearing for a modification request after having requested same, a new application will be required and re-submitted with the appropriate application fee.

Note: PE-C-002 and PE-C-012 were combined into one PPM, 2/97.



Ramsay Burkeley, Esq.,
Deputy Director, PZB



Robert Santos-Alborná, M.A., CEP
Code Enforcement Division Director

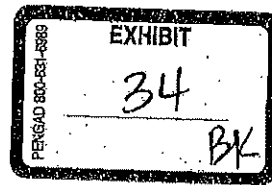
REVISED: 3/97, 5/00, 2/05, 9/17

EXHIBIT 9

Gary Brandenburg



From: Glenn Meeder <GMeeder@pbogov.org>
Sent: Friday, July 13, 2018 12:03 PM
To: Ellie Halperin <ellie@halperin-law.com>
Subject: RE: C0503090002



Hi Ellie,

When we last spoke, I told you that I would work on gathering some information regarding your client's case and suggested that you go to code enforcement to review their case file as well. My office has been inundated with requests, so we have been running about three to four weeks behind in being able to review cases and get information out to the requestors.

After pulling some of your client's case documents, I found that your client already received a huge break in that the CESM Order only referenced the canopy and not the two (2) mobile homes that were a part of the cited violations and NOV. In 2015, when your client's reps went into code enforcement to go over case, one of the senior code officers, Bobbi Boynton, reviewed various documents that were brought in and

pictures of the property and determined that the canopy had been removed in 2007 and that the two (2) mobile homes, which were still there in 2015 and part NOV, for some unknown reason were not contained in the Order and so she used 11/18/2007 for the compliance date in the AOC for the canopy removal date. The daily fine amount and lien amount would have been substantially greater had the two (2) mobile homes been included (and which they should have) in the Order. That was a huge break for your client.

There were no service issues and I have included, in the attached PDF, copies of the code case notes in which I highlighted some very key information. I have also included a copy of the collections agency's case notes and contacts that they made with your client back in 2008, so your client, along with the lien documents that were sent them and their registered agent at the time, would have received subsequent notice of the lien and outstanding amount due years ago and did nothing.

The amount on the attached statement stands and is based on the CESH's Order imposing fines/lien and the provision for interest in said Order is clearly delineated. It is the property owner that controls how high their lien gets and is responsible to address in a timely matter to avoid a large lien amount.

If you still believe that a meeting is necessary, we may be able to meet at code enforcement next Thursday morning at 10:30 as we will already be out there for another meeting. Let me know.

If you should have any questions, please let me know.

Glenn Mesder

Collections Coordinator

Palm Beach County

Office of Financial Management & Budget

301 North Olive Avenue

EXHIBIT 10

BRANDENBURG & ASSOCIATES, P.A.

11891 U.S. Highway One, Suite 101
North Palm Beach, Florida 33408
(561) 799-1414
www.BrandenburgPA.com

Gary M. Brandenburg

Gary@BrandenburgPA.com

ATTORNEY AT LAW

March 25, 2019

Shannon Fox, Assistant County Attorney
Palm Beach County Attorney's Office
301 North Olive Avenue, Suite 601
West Palm Beach, FL 33401

Mr. Glenn Meeder, Coordinator
Revenue Collection Section
Office of Financial Management & Budget
301 North Olive Avenue, 7th Floor
West Palm Beach, FL 33401

Re: B. & B. Properties, Inc.
PCN: 00-42-43-28-02-000-0020
C-2005-03090002

Dear Shannon and Glenn:

I have not heard back from you regarding my correspondence dated February 7, 2019. Therefore, please accept this letter as our formal demand that the County release the code enforcement lien on Parcel # 00-42-43-28-02-000-0020 in return for \$5,904.20, representing the amount of the lien ordered by the Special Magistrate on March 1, 2006, together with recording fees. I have these funds, which will be forwarded to the County upon our receipt of the release. B.&B. Properties, Inc., previously paid the costs associated with the Special Magistrate hearing (\$140.87).

Please advise if the County will be providing the release on these terms. If I do not hear from you within ten (10) days of today's date, I have been instructed to file suit with a demand for attorney fees.

Thank you very much for your attention to this matter.

Very truly yours,

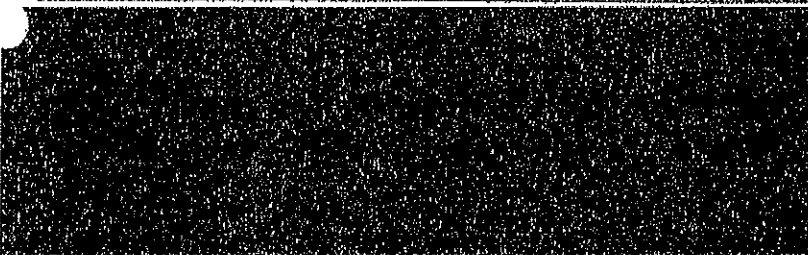
BRANDENBURG & ASSOCIATES, P.A.

By: 
Gary M. Brandenburg, Esq.

**B&B000114**

EXHIBIT 11

Sandy Malloy



From: Gary Brandenburg <gary@brandenburgpa.com>
Date: March 28, 2019 at 4:03:29 PM EDT
To: Shannon Fox <Sfox@pbccgov.org>
Cc: Nieman Denise <dnlema@co.palm-beach.fl.us>
Subject: Re: B. & B. Properties, Inc.

Come on you know better!

163.09(3) only applies if you are suing for a judgement and the county is not.
There is no other authority for interest.
The SM order does not require interest.

55.03 only applies to judgements.
Even if it were applicable to CE liens it does not have a savings clause.

938.35 only applies when seeking a valid claim. The county has no right to collect
interest, has no valid claim for interest and the percentage interest claimed is ridiculous. Even with the interest charged
at an reasonable rate the collection fees are over the 40% claimed.

I am preparing the case so let me know
if you change your mind.
Thanks

On Mar 28, 2019, at 12:22 PM, Shannon Fox <Sfox@pbccgov.org> wrote:

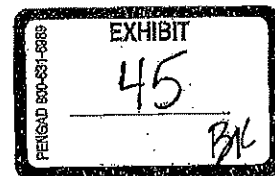
Gary,

In response to the three questions posed in your February 7, 2019, letter, Section 162.09, Fla. Stat.,
authorizes the County to impose interest, Section 55.03, Fla. Stat., establishes the amount imposed,
and Section 938.35, Fla. Stat. authorizes the County to impose collections fees.

Section 162.09(3) clearly recognizes that the lien accrues interest.

Section 163.09(3):

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public
records and thereafter shall constitute a lien against the land on which the violation exists and upon
any other real or personal property owned by the violator. Upon petition to the circuit court, such
order shall be enforceable in the same manner as a court judgment by the sheriffs of this state,
including execution and levy against the personal property of the violator, but such order shall not be
deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part
shall continue to accrue until the violator comes into compliance or until judgment is rendered in a
suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant



to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien **plus accrued interest**. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

Fla. Stat. § 162.09

Section 938.35, Fla. Stat, authorizes the County to include in the amount owed by your client collection fees in an amount up to 40% of the amount owed.

938.35:

Collection of court-related financial obligations.—The board of county commissioners or the governing body of a municipality may pursue the collection of any fees, service charges, fines, or costs to which it is entitled which remain unpaid for 90 days or more, or refer the account to a private attorney who is a member in good standing of The Florida Bar or collection agent who is registered and in good standing pursuant to chapter 559. In pursuing the collection of such unpaid financial obligations through a private attorney or collection agent, the board of county commissioners or the governing body of a municipality must determine this is cost-effective and follow applicable procurement practices. The collection fee, including any reasonable attorney's fee, paid to any attorney or collection agent retained by the board of county commissioners or the governing body of a municipality may be added to the balance owed, in an amount not to exceed 40 percent of the amount owed at the time the account is referred to the attorney or agents for collection.

Interest was calculated on your client's lien pursuant to Section 55.03, Fla. Stat. At the time this order was imposed, the statute provided that the interest rate was fixed at the time of the order rather than yearly as it is currently calculated.

As to your offer to pay the County \$5,904.20 to dispose of your client's lien, the County cannot accept that offer as we feel that interest has been properly imposed on this lien.

What basis does your client believe it has to file suit? I am not seeing any legal basis, but I am curious to hear what theory you are traveling under.

Shannon

From: Gary Brandenburg <gary@brandenburgpa.com>
Sent: Tuesday, March 26, 2019 12:38 PM
To: Shannon Fox <SXfox@pbcgov.org>
Subject: FW: B. & B. Properties, Inc.

Here ya go

From: Gary Brandenburg
Sent: Monday, February 11, 2019 1:24 PM
To: Shannon Fox <SXfox@pbcgov.org>

Cc: Glenn Meeder <GMeeder@pbcaov.org>
Subject: B. & B. Properties, Inc.

Shannon;

On a different matter, a client asked me to send the attached letter requesting information regarding the Interest and collection fees charged by the County.

Thank you,

Gary

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

EXHIBIT 12



TYRONE A. ADRAS, ESQ.
WEST PALM BEACH OFFICE
TELEPHONE: 561.650.7930
EMAIL: adrast@gtlaw.com

December 6, 2023

Via Email

Louis M. Silber, Esq.
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gdunkel@foxrothschild.com
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James K. Green, Esq.
JAMES K. GREEN, P.A.
Esperanté, Suite 1650
222 Lakeview Ave.
West Palm Beach, FL 33401
jkg@jameskgreenlaw.com
karen@jameskgreenlaw.com

Re: ***B. & B. Properties, Inc. vs. Palm Beach County, Florida***
Case No. 50-2019-CA-008660-AI

Dear Counsels:

Enclosed please find an Excel spreadsheet representing Final - Non-BB Full Payments of code violation liens in Palm Beach County, FL from August 2015 to October 2023 bates-stamped PBC005035.

Additionally, you will note that there are no documents attached to this correspondence in relation to property owners in Palm Beach County that currently have liens on their property that contain interest and/or collections costs. That is because Palm Beach County no longer seeks interest and/or collections costs on code violation liens and as such no property owner in Palm Beach County falls under this categorization.

Sincerely,

Tyrone Adras

Tyrone A. Adras

TAA/
Enclosure