

# Application for Relief - Code Enforcement Liens

## Manatee County Code Enforcement Division

5030 US Hwy 301N  
Ellenton, FL 34222  
Tel: (941) 748-2071 Fax: (941) 749-3094

Manatee County accepts applications for Code Enforcement Lien relief from owners of properties that have corrected ALL of the violations on the subject property. Please complete the form in its entirety. Incomplete applications will not be accepted.

Case #CE2010110183 Manatee County - vs - (Respondent) MARLOW

### Property Information

|  |        |                 |
|--|--------|-----------------|
| Parcel Identification Number: 2980000000 |        |                 |
| Lot:                                     | Block: | Subdivision:    |
| Address: 5212 13 <sup>th</sup> St. W.    |        |                 |
| City: Palmetto                           |        | Zip Code: 34221 |

### Property Owner Information

|   |  |                   |
|---|--|-------------------|
| Current property owner: <u>DAVID E &amp; BARBARA A MARLOW</u> |  |                   |
| Address: <u>5212 13<sup>th</sup> ST W</u>                     |  |                   |
| City: <u>Palmetto</u>   | State: <u>FL</u>                           | Zip: <u>34221</u> |
| Phone #: <u>941-724-3376</u>                                  | Email address: <u>bamarlow@verizon.net</u> |                   |
| Representative/Agent:   |  |                   |
| Address:  |  |                   |
| City:   | State:                                     | Zip:              |
| Phone #:  | Email address:                             |                   |

### Lien Information

|   |   |
|---|---|
| Amount of lien: \$5,270.00                                    | Amount of offer: <u>\$100.00</u> plus \$20.00 recording fee |
| Date lien was recorded:<br>Book 3375 Page 6169 April 11, 2011 | Number of days the property was in Violation: 51            |
| Date of Compliance: May 9, 2011                               | How much money was spent to abate the Violation:            |

The following documentation (when applicable) SHALL be submitted with the application:

(Reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

1. Notice of Lis Pendens recorded with Manatee County Clerk of Courts with the date, book and page shown;
2. Foreclosure Order, with the recording date, book and page shown;
3. Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
4. New Certificate of Title, with the recording date, book and page shown;

- 5. County's Final Order of Imposition of Fines; and
- 6. Claim of Lien(s) with the recording date, book and page shown.

**FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:**

- 1. The nature and gravity of the violation(s);
- 2. Any actions you have taken to correct the violation(s);
- 3. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- 4. Any actual costs you expended to cure the violation(s), if supported by documentation;
- 5. Any other prior or current violations you committed on the subject property or upon any other property you own within the County; and
- 6. Equitable considerations.
  - i. Whether there was any extraordinary hardship which existed or currently exists;
  - ii. Whether the applicant was the property owner when the fine or lien was imposed;
  - iii. Whether the property is homestead or non-homestead property;
  - iv. Whether the County lien is interfering with the sale or restoration of the property or will prevent the property from being conveyed to a new owner.

Please provide written justification as to why relief should be granted: (When you complete this section, at a minimum, address the above factors and reference any supporting documentation as Exhibit 1, Exhibit 2, and so forth.)

**PROPERTY LITIGATION:** (If applicable give detail here if this property is involved in litigation.)

I certify that I am: (Include documentation of the below)

- the owner of the subject property,
- an Attorney representing the owner,
- the legal representative for the property, or
- otherwise authorized to act on behalf of the property owner in this matter.

Richard J. DeLoe  
Signature of Owner/Authorized Representative

May 29, 2019  
Date

Print Name

*Note: County Code Section 3-7-23 allows the Board of County Commissioners to exercise a justification or release of lien. The application process requires two (2) public meetings. Once the application and documentation is found to be complete it will be scheduled and presented before a Special Magistrate. The findings of the Special Magistrate along with the application will be forwarded to the Board of County Commissioners for final approval or denial. All payments will need to be mailed to Manatee County, Attention Code Enforcement, 9030 US Hwy 301N, Ellenton FL 34223 and payable to Manatee County, and include the Case Number. Once payment is received a Satisfaction of Lien will be prepared and recorded.*  
 Revised 1/29/2019

Application for Relief Case # CE2010110183

David and Barbara Marlow  
5212 13th St W  
Palmetto, FL 34221

Mr. Randy Martel, contractor of record for this building, applied for permitting, started and completed construction in 2001-2002 without assistance or direction during construction by the Marlow family. The permit was in the system for more than eight years prior to any notice to us as homeowner that any item was missing or incomplete.

Mr. Martell was paid in full upon completion and assurances all was in order.

We received nothing further in regards to this permit from Martell or any governmental agency until late 2009 almost 8 years after. At that point we received notice that the final inspection was not completed. We immediately called contractor of record Randy Martel, who said he would take care of it, "having no idea of what was missing".

Our work takes us out of town quite often including several trips to Asia each year. There are long absences where no one is in residence and thus would have great opportunity to miss any actions or lack thereof. We would not know if an inspection had taken place and assumed Martell to be an honorable contractor as he previously had and after this build continued to build on Snead Island and in the Palmetto area. We trusted Mr. Martel, as a licensed contractor overseen by our county government and one who had done other work for us to take the steps needed to close this permit. Having no notice in the 7+ year interim nothing was present to alert us to any issues or problems.

Upon return from a period working out of town in September-October 2009 we returned to our home in early November 2009 and found a red tag on the ground beside the entry gate, possibly dislodged by wind or other factors. We assume it was placed on October 28, 2009 as that is the date of "warning".

We heard nothing further until a year later at the end of October 2010 when we returned from out of town to find a Red Tag on the exterior gate to the property from Mr. James Thomas. After a conversation with Mr. James Thomas we notified Randy Martel again and were assured he was taking care of the permit and it was a simple paperwork snafu. There was a question about the necessity for flow-through vents. I believe that Mr. Martel submitted a letter stating that we did not have a mortgage and requested to be put on the FEMA 1316 list waiving FEMA assistance. This was deemed not adequate at some later point and that the flow through vents, which were the only unfinished building details, needed to be installed. We then received via US Mail a notice dated November 3<sup>rd</sup> 2009 from Cindi Blake, Permitting Services Manager for Manatee County Building Department advising us that Mr. Martell (Contractor of Record) had not closed the permit.

We received a red tag notice dated November 16, 2010 (one year later) from Mr. James Thomas with a one word note and check mark by "other" on the tag and "permits" written beside.

Mr. Martell was contacted again and assured us all was in order and that the barn was exempt under a FEMA waiver.

On December 9, 2010 Mr. James Thomas visited and left a card on our door without any additional information and we assumed it was a courtesy visit and all was well; admittedly being thoroughly confused as we had seen the permits and various inspectors and thought that some error was in place as we knew the barn was permitted and built per the plans submitted. We had no awareness of the requirement for flow through vents.

Mrs. Marlow called Mr. Martell and reported the events to him, then being assured by Martell that it was a simple matter and that he would go to the building department to take care of it.

Time marched on and we were not privy to any of the communication Randall Martel may or may not have had with the building department as the contractor of record, and since the homeowner has no ability to obtain permits without a license it seems the contractor is responsible for all of the permitting processes.

Mr. Martel, a licensed General Contractor was in violation if one occurred, not the Marlow family. This matter went on behind the scenes without notice to us for 10+ years and still is not settled as we learned recently through our real estate attorney's title search for another property.

We now can see after reconstruction of the events that Randy Martel got the permit and installed the flow-through vents in spring of 2011. The Magistrate order imposing a fine gave the contractor/us until August 19, 2011 to be in compliance. I believe that the final inspection was done on May 2, 2011. We acted in good faith to resolve this problem through many conversations with the building department, code enforcement and Randy Martel. Throughout the process we were assured that we were moving forward. Considering years of inactivity without more notifications a reasonable person would assume the issue had been resolved.

The fine imposed appears to be due to the expiration of the original permit and Mr. Martel's *failure in acquiring a new one* to complete the flow-through vents, a fact we as homeowners could not know. The failure to advise the homeowner of a pending magistrate action by formal letter or visit seems draconian for American society and normally equitable standards. The further lack of *any type* of notification concerning the scheduling of a Magistrate hearing and further a complete lack of notice of the Magistrate's decision appears inequitable. The failure of Mr. James Thomas to advise

us of the hearing and setting of a date after which fines would begin does not appear equitable or within normal law providing notice.

That the March 23<sup>rd</sup> entry by Mr. James Thomas preempts the Magistrate's order and orders fines to start; five months prior to the Magistrate order or provision of time for compliance as ordered (August 19, 2011) was entered indicates a mistake or the presumption that homeowner would not comply. Regardless, that presumption should not cause such unilateral action.

Further, on September 1, 2011 a meeting between "Cind" and Mr. James Thomas was held and the investigator's remarks were entered as follows

"Meeting with Cind from bld dept. found that permit was Co on 5-09-11- Stop fines for 512.1 and no violation for 513.1. jt permit # 01120355. Updated by JTHOMAS. This meeting occurred eleven days after the entry of the Magistrate's instruction.

That permit file states that no violation of 513.1 occurred at all.

The next entry is September 7, 2011 labeled "Board Investigation Information" and states "permits pulled #01120355 May 9, 2011 May 9, 2011 is when fines should stop Jt."

On May 11, 2011; four months prior to the Magistrate's written time of allowance to rectify Mr. James Thomas visited the site and updated the file indicating 13 vents had been installed, verifying the process was complete well before the Magistrate's date provided (August 19, 2011). From that period the next entry appears four years and one month later on September 28, 2015, assigning the case to "zone officer", per Mr. Jeff Bowman, Division Chief. No further notices or action was taken until May 24, 2018, being a notice to "tickle to July 19, 2018" by Stephanie Prince.

The next entry appears on July 20, 2018 by Stephanie Prince claiming to leave a message on homeowners phone # 941-723-6679. We have received no notice of any fines due, nor any message including the notations on the County file obtained that reflect Stephanie Prince on July 20, 2018 called 941-723-6679 and left a message on our home on Snead Island's answering machine. That is not possible under any circumstances as records reflect that we were in Maine for all of the period of June, July, August, September and part of October 2018. The answering machine was disconnected as always as no one was at that number to answer and no answering device was operative due to the long absence. There was no message left, nor any person in residence to answer a call that was not answer. No communication by mail was sent when no answer was the result.

Upon learning of a lien placed on our property from our attorney Mrs. Marlow immediately called the County



It is difficult to see how this fine could or should be imposed or a lien placed on our property at all. It should have been apparent in county records well before a 7 year period after construction that the permit was not closed and would have been much easier to remedy while the work was still in recent memory. Now, 10 years after that initial series of error and confusion it is even more difficult.

We are respectfully requesting that the fine and any related fees be dropped as we are blameless in the matter, acting at all times in good faith. I believe that our record as law abiding citizens since 1947 in Manatee County bears witness to that fact. Please advise us how to proceed to resolve this matter equitably without further legal entanglements and angst.

Respectfully,

David and Barbara Marlow

---

THIS INSTRUMENT PREPARED BY:  
Thomas A. Moseley, Esquire  
Thomas A. Moseley, Chartered  
1724 Manatee Avenue West  
Bradenton, Florida 34205  
(941) 747-8185

BK 1602 PG 5849 DOC STAMPS \$3920.00 BKTR 1261995 1 of 4

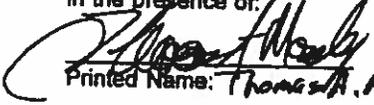
TRUSTEE'S DEED

THIS INDENTURE, made this 25 day of June, 1999, by and between Gracie Mae Pervis and Dorinda Marie Schutte, as Successor Co-Trustees of the Paul Harold Pervis, Sr. Revocable Trust dated January 18, 1994 and Gracie Mae Pervis, a single woman and Dorinda Marie Schutte, a single woman, whose post office address is 1410 53rd Avenue West, Palmetto, Florida 34221, herein called Grantor, in consideration of the sum of \$10.00 paid by David E. Marlow and Barbara Marlow, husband and wife, herein called Grantee, whose post office address is 1410 53rd Avenue West, Palmetto, FL 34221 conveys to Grantee the following described property situate in Manatee County, Florida:

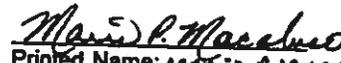
SEE ATTACHED EXHIBIT "A"

GRANTOR covenants with Grantee that Grantor has good right and lawful authority to convey the property and Grantor warrants the title to the property for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through or under Grantor.

Signed, sealed and delivered  
in the presence of:

  
Printed Name: Thomas A. Moseley  
  
Printed Name: MARIO P. MACALUSO

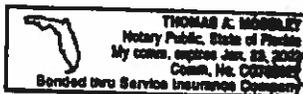
Gracie Mae Pervis  
Gracie Mae Pervis, individually and as  
Successor Co-Trustee of the Paul  
Harold Pervis, Sr. Revocable Trust  
dated January 18, 1994

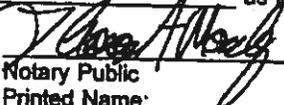
  
Printed Name: Thomas A. Moseley  
  
Printed Name: MARIO P. MACALUSO

Dorinda Marie Schutte  
Dorinda Marie Schutte, individually and  
as Successor Co-Trustee of the Paul  
Harold Pervis, Sr. Revocable Trust  
dated January 18, 1994

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 25 day of June, 1999, by Gracie Mae Pervis, individually and as Successor Co-Trustee of the Paul Harold Pervis, Sr. Revocable Trust dated January 18, 1999, who is personally known to me or who produced \_\_\_\_\_ as identification.



  
Notary Public  
Printed Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

or repairs on the Property, or for services of architects, surveyors or engineers incurred in connection with the Property unless otherwise expressly set forth herein.

12. Subsequent to the effective date of any title commitment or opinion issued in connection with the closing necessitating this Affidavit, the undersigned individually (and as the authorized agent of the Owner, if not the Owner) hereby agrees and represents that the undersigned and the Owner will not execute any instrument, or do any act whatsoever, that in any way would or may affect the title to the Property, including but not limited to, mortgaging or conveying the Property or any interest in it or causing any liens to be recorded against the Property or the Owner except for the execution of any mortgage or other instrument required or expressly contemplated by the commitment or opinion.

13. No notice of commencement has been recorded affecting the Property unless otherwise set forth herein.

14. The Owner is the owner of any furniture, furnishings and fixtures being sold to David E. Marlow and Barbara Marlow, husband and wife.

15. This Affidavit is made to induce David E. Marlow and Barbara Marlow, husband and wife to purchase the Property, to induce any purchase money mortgage loan secured by the Property, to induce the disbursement of funds and to induce THOMAS A. MOSELEY, CHARTERED to issue a title insurance policy covering the Property and any such mortgage.

16. This Affidavit is made and given by the undersigned with full knowledge of applicable Florida laws regarding sworn affidavits and the penalties and liabilities resulting from false statements and representations therein.

*Gracie Mae Pervis*

Gracie Mae Pervis, individually and as Successor Co-Trustee of the Paul Harold Pervis, Sr. Revocable Trust dated January 18, 1994

*Dorinda Marie Schutte*

Dorinda Marie Schutte, individually and as Successor Co-Trustee of the Paul Harold Pervis, Sr. Revocable Trust dated January 18, 1994

STATE OF FLORIDA  
COUNTY OF MANATEE

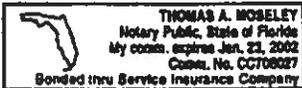
The foregoing instrument was acknowledged before me this 25 day of June, 1999, by Gracie Mae Pervis, individually and as Successor Co-Trustee of the Paul Harold Pervis, Sr. Revocable Trust dated January 18, 1994, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

NOTARY PUBLIC:

Sign *Thomas A. Moseley*

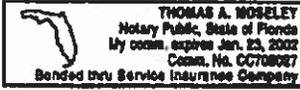
Print \_\_\_\_\_ (NOTARIAL SEAL)

State of Florida at Large  
My commission expires:  
My commission number is:



STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 25 day of June, 1999, by Dorinda Marie Schutte, individually and as Successor Co-Trustee of the Paul Harold Pervis, Sr. Revocable Trust dated January 18, 1999, who is personally known to me or who produced \_\_\_\_\_ as identification.



*Thomas A. Morseley*  
\_\_\_\_\_  
Notary Public  
Printed Name: Thomas A. Morseley  
My Commission Expires: \_\_\_\_\_

EXHIBIT "A"

Parcel 1:

Beginning 740.6 feet South of the NE Corner of Lot 1 of Section 17, Township 34 South, Range 17 East, thence running South 45° West 917 feet to the Manatee River, thence in a Southerly direction along the said River, 191.6 feet, thence North 45° East, 795 feet, thence North 225 feet to Point of Beginning, with all riparian rights thereunto belonging.

Parcel 2:

Beginning at a point on the East Boundary line of Lot 1, U.S., Sec 17, Tp 34 So., Rge 17 East, 965.8 feet South from the Northeast corner of said Lot 1, thence South 283.8 feet, thence South 45 degrees West 237.7 feet, being the Southeast corner of the tract which is herein described; thence North 45 degrees West 200.8 feet; thence South 45 degrees West 162.9 feet; thence South 45 degrees East 200.8 feet; thence North 45 degrees East 162.9 feet to the point of beginning.

Parcel 3:

Lot 3, WINELLA PARK, a Replat of the South 1/2 Lots 5, 6, 7 & 8 of Block 2, G. H. Judd Subdivision, in Section 17, Township 34 South, Range 17 East, as per plat thereof recorded in Plat Book 11, page 92, of the Public Records of Manatee County, Florida.

clerk@manateeclerk.com



Home Property Search Contact Us  
Owner Address Parcel ID Advanced Search Map

Profile

Values

Sales

Residential

Commercial

Out Buildings

Permits

Land

Agriculture

Sketch

Exemptions

Full Legal

TRIM Notice

Tax Bill

County Map

Map

PARID: 2980000000  
MARLOW DAVID E

5212 13TH ST W

1 of 5

Return to Search Results

Sales

1 of 3 >

|                                |                                       |
|--------------------------------|---------------------------------------|
| Account#                       | 2980000000                            |
| Date                           | 25-JUN-1999                           |
| Sale Amount                    | \$560,000                             |
| Vacant/Improved Indicator      | Improved                              |
| Qualification Code             | 02                                    |
| Qualification Code Description | MORETHAN 1 PRCL QUALIFIED(PRIOR 2009) |
| Book                           | 1602                                  |
| Page                           | 5849                                  |
| Grantee Name                   | MARLOW, DAVID E                       |
| Grantor Name                   | PERVIS, GRACIE MAE INDIV & TR         |
| Deed Type                      | TD-TRUSTEE'S DEED                     |
| Sales Key                      | 1708381                               |

Actions

- Printable Summary
- Printable Version

Reports

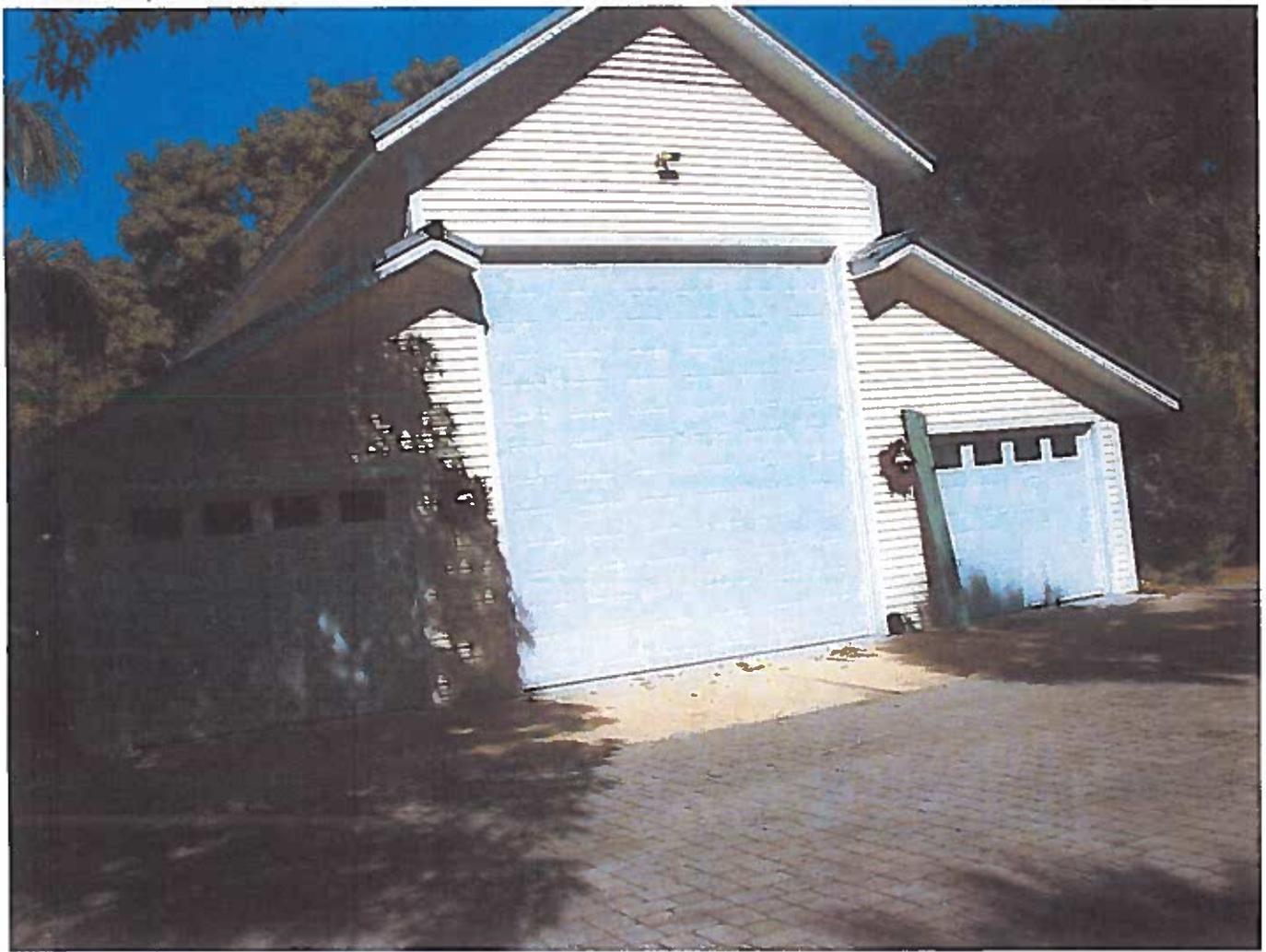
- Attribute Export ▲
- Mailing List
- Parcel Listing Report ▼

Go

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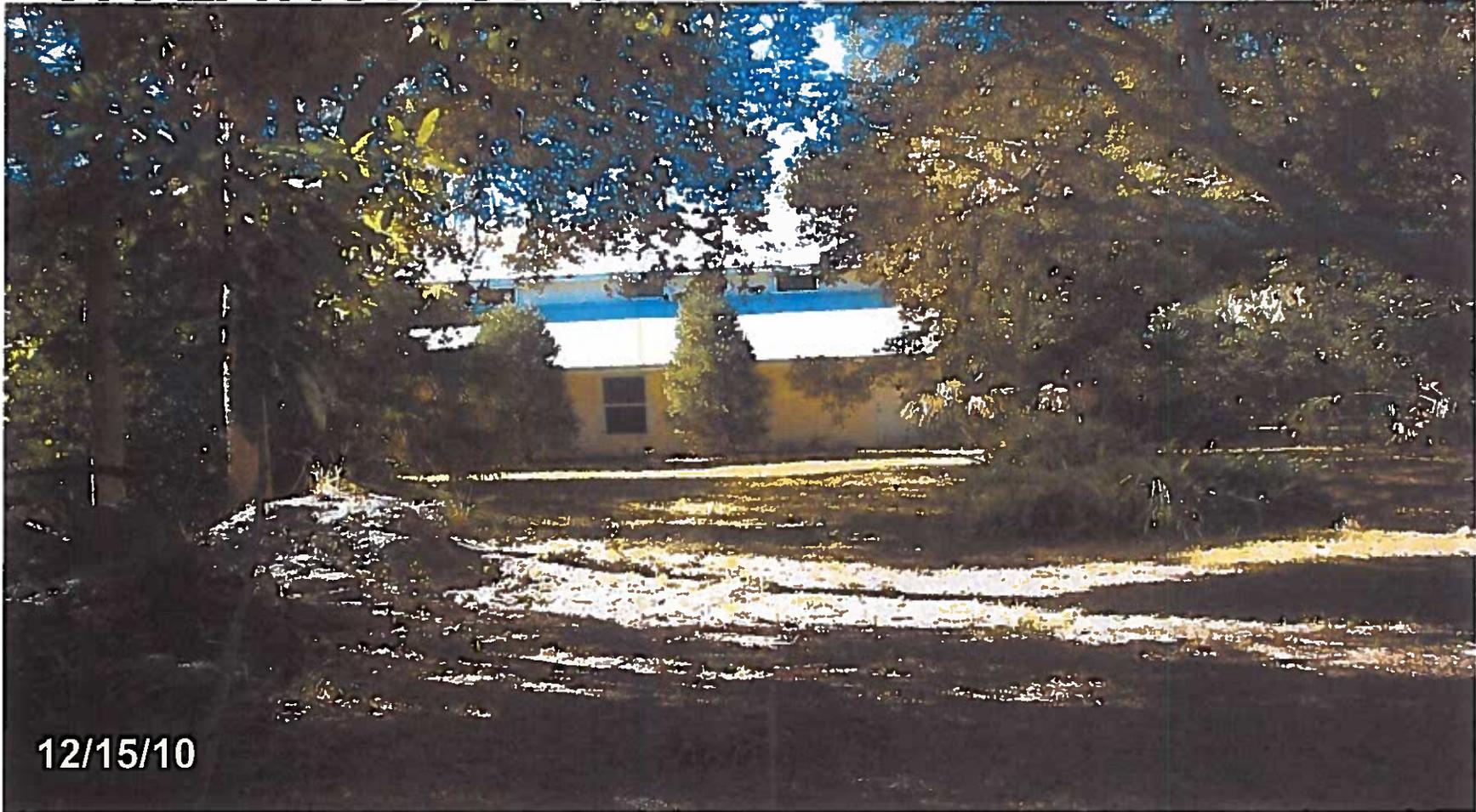
12/15/2010 12:48:14 PM



12/15/2010 12:48:26 PM

**2010110183**

**VIOLATION OF SECTIONS 512.1 and 513**



12/15/10

**5212 13<sup>th</sup> St. W., Palmetto**



5212 13<sup>th</sup> st W

# 2010/10/83

*J*

12/15/2010 12:49:19 PM



5212 13<sup>th</sup> st w

#2010110183

12/15/2010 12:49:39 PM

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

FILED FOR RECORD  
R. B. SHORE

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE20101108828 AM 9:47

vs.  
DAVID E. AND BARBARA MARLOW,  
Respondents,

CLERK OF CIRCUIT COURT  
MANATEE CO FLORIDA

**ORDER IMPOSING FINE**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on February 23, 2011 and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

**FINDINGS OF FACT**

1. That David E. and Barbara Marlow, hereinafter referred to as the Respondents are the owners of record of the subject property.
2. That notice was served on the Respondents and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 512.1 were made and served on the Respondents by certified mail.
4. That the property located at 5212 13th Street West, Palmetto, Florida, DP 2980000000, has a violation of Manatee County Land Development Code Section 512.1 because a shed was erected without obtaining the required building permit.
5. That the Respondents are in violation of Section 512.1 for erecting a shed without obtaining the required building permit.

**CONCLUSIONS OF LAW**

1. That the Respondents are in violation of Manatee County Land Development Code Section 512.1.

**ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondents correct the violation of Manatee County Land Development Code Section 512.1.
2. THAT if this Order is not complied with on or before March 18, 2011, it is hereby ordered that Respondents shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past March 18, 2011.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should a violation exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered February 23, 2011, and executed this 28 day of February, 2011.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Susan Blomue  
Deputy Clerk



[Signature]  
Manatee County Code Enforcement  
Special Magistrate

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondents, DAVID E. AND BARBARA MARLOW, 5212 13TH STREET WEST, PALMETTO, FLORIDA 34221-5502, by U.S. mail and to the Manatee County Code Enforcement Division, this 28 day of February 2011.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Nicki Gerratt  
Deputy Clerk

Recorded with  
Manatee County Florida Clerk  
Access Official Records at  
www.ManateeClerk.com

STATE OF FLORIDA COUNTY OF MANATEE  
This is to certify that the foregoing is a true and  
correct copy of the documents on file in my office.  
Witness my hand and official seal this 7<sup>th</sup> day of  
April, 2011  
R. B. SHORE  
Clerk of Circuit Court  
By: Nicki Gerratt D.G.

ATTENTION: It is your responsibility to notify Code Enforcement at 941-748-4501, extension 6909 and satisfactorily demonstrate that the violation(s) has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation(s) no longer exist(s).

MANATEE COUNTY CODE ENFORCEMENT SPECIAL MAGISTRATE  
MANATEE COUNTY, FLORIDA

CLERK OF RECORD  
R. B. SHORE

MANATEE COUNTY, a political subdivision  
of the State of Florida,  
Petitioner,

Case No. CE201012011 FEB 28 AM 9:47

vs.  
DAVID E. AND BARBARA MARLOW,  
Respondents,

CLERK OF CIRCUIT COURT  
MANATEE CO FLORIDA

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on February 23, 2011 and the Special Magistrate having heard testimony under oath, received evidence, and heard arguments respective to all appropriate matters, and thereupon issues the Findings of Fact, Conclusions of Law, and Order as follows:

FINDINGS OF FACT

1. That David E. and Barbara Marlow, hereinafter referred to as the Respondents are the owners of record of the subject property.
2. That notice was served on the Respondents and no one was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 513 were made and served on the Respondents by certified mail.
4. That the property located at 5212 13th Street West, Palmetto, Florida, DP 2980000000, has a violation of Manatee County Land Development Code Section 513 because a shed was erected without obtaining the required Certificate of Occupancy.
5. That the Respondents are in violation of Section 513 for erecting a shed without obtaining the required Certificate of Occupancy.

CONCLUSIONS OF LAW

1. That the Respondents are in violation of Manatee County Land Development Code Section 513.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes, and Manatee County Land Development Code, it is hereby ORDERED:

1. THAT the Respondents correct the violation of Manatee County Land Development Code Section 513
2. THAT if this Order is not complied with on or before August 19, 2011, it is hereby ordered that Respondents shall pay a minimum fine of \$150, plus \$100 per day for each and every day any violation described herein continues past August 19, 2011.
3. Failure to Comply with this Order within the specified time will result in the recordation of this Order Imposing Fine, which constitutes a lien upon any real or personal property owned by the violators and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.
4. The Code Enforcement Special Magistrate also authorizes the County Attorney or his/her designee to foreclose, collect or settle said lien using any legal or equitable remedies available to collect any liens which remain unpaid.
5. This Order becomes self-executing upon an Affidavit of Non-compliance being filed with the Clerk of Circuit Court Board Records Section, and a hearing shall not be necessary.
6. That pursuant to Section 305.5.7 of the Land Development Code, should a violation exist beyond the date set for compliance, the Special Magistrate shall impose a minimum fine of \$65.

Ordered February 23, 2011, and executed this 28 day of February, 2011.

ATTEST: R. B. Shore  
Clerk of Circuit Court

By: Susan Blum  
Deputy Clerk



Bill Coyle  
Manatee County Code Enforcement  
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondents, DAVID E. AND BARBARA MARLOW, 5212 13TH STREET WEST, PALMETTO, FLORIDA 34221-5502, by U.S. mail and to the Manatee County Code Enforcement Division, this 28 day of February, 2011.

R. B. SHORE  
Clerk of Circuit Court  
Manatee County, Florida

By: Nikki Garnatt  
Deputy Clerk

**ATTENTION: It is your responsibility** to notify Code Enforcement at 941-748-4501, extension 6909 and satisfactorily demonstrate that the violation(s) has/have ceased. Release of this lien cannot occur until Code Enforcement verifies that the violation(s) no longer exist(s).



**MANATEE COUNTY  
FLORIDA**

December 21, 2010

DAVID E MARLOW AND BARBARA MARLOW  
5212 13TH ST W  
PALMETTO, FL 34221-5502

RE: File Number: CE 2010110183

Dear Property Owner:

It has come to the attention of the Neighborhood Services Department that an shed addition was constructed without the required building permit and Certificate of Occupancy/Completion on your property located at 5212 13TH ST W, PALMETTO, FL (PIN# 2980000000 ). This constitutes a violation of Section 512.1 (Building Permits - Purpose and Applicability) and Section 513 (Certificate Of Occupancy/Completion) of the Manatee County Land Development Code.

Perhaps you were not previously aware of this regulation/ordinance. However, this letter is intended to give you written notice of such violation(s). You are required to correct the violation(s) by January 4, 2011. In order to correct the violation(s), a building permit must be obtained and a Certificate of Occupancy/Completion must be obtained.

If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the Code Enforcement Officer, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing.

If after January 4, 2011 the violation has not been corrected it will be necessary to schedule a hearing before the Manatee County Code Enforcement Board or Special Magistrate.

In accordance with Florida Statutes, the Code Enforcement Board or Special Magistrate may assess fines up to \$250.00 per day for each day the violation(s) exists beyond the date set for compliance or for each day the violation is repeated.

If you require further assistance and or information please contact James Thomas at 748-2071 between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday.

Sincerely,

James Thomas  
Code Enforcement Officer

Neighborhood Services Department - Code Enforcement Division  
Mailing Address: 5212 Palmetto Blvd., Palmetto, FL 34221-5502 Street Address: 1112 Manatee Avenue West, Suite 225, Bradenton, FL 34205  
PHONE: 941-748-2071 FAX: 941-748-2093  
www.manateecounty.org

MANATEE COUNTY - NEIGHBORHOOD SERVICES DEPARTMENT - 1112 MANATEE AVENUE WEST, SUITE 225, BRADENTON, FL 34205  
DISTRICT 5 DISTRICT 2 DISTRICT 1