Application for Relief - Code Enforcement Liens

Manatee County
Code Enforcement Division
1112 Manatee Avenue West
Bradenton, FL 34205
Tel: (941) 748-2071 Fax: (941) 749-3094

Notice: This application is available as a WORD document for your convenience.
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 #CE2011040350 **Manatee County - vs – Respondent:** Gomez-Salazar

Property Information

Parcel Identification Number: 6590500259		
Lot: 17	Block: 76	Subdivision: Whitfield Estates
Address: 615 Magellan Dr.		
City: Sarasota		Zip Code: 34243

Property Owner Information

Current property owner: Irma Rosa Gomez Salazar		
Address: " "		
City: " "	State: " "	Zip: " "
Phone #: 321-505-7542	Email address: Mike_Saracco@yahoo.com	
Representative/Agent: Saracco Law		
Address: 520 Brevard Ave		
City: Cocoa	State: FL	Zip: 32922
Phone #: 386 882-3571	Email address: MSaracco@Saraccolaw.com	

Lien Information

Amount of lien: $49,295.00 (includes $20 recording fees)	**Amount of offer:** $3,000.00 + **$20 recording fees**
Date lien was recorded: 5/22/12	Number of days the property was in Violation: 1,965 days
Date of Compliance: Sept. 21, 2017	**How much money was spent to abate the Violation:** 5,000.00

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 Fine; 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.

Signature of Owner/Authorized Representative

5/15/18
Date

Michael Saracco
Print Name

Note: *County code section 2-36-8(f) allows the Board of County Commissioners to execute a satisfaction 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, P.O. Box 1000, Bradenton, FL 34206-1000 and payable to: Manatee County, and include the Case Number. Once payment is received a Satisfaction of Lien will be prepared and recorded.

Revised 3/20/15

SARACCO LAW
520 BREVARD AVE
COCOA, FL 32922
(321) 505-7542

5/22/18

MANATEE COUNTY CODE ENFORCEMENT
111 MANATEE AVE WEST
BRADENTON, FL 34205

Re: CASE NO. CE2011040350
615 MAGELLAN DR.
SARASOTA FL 34243

To Whom It May Concern:

This firm has the honor of representing Ms. Irma Rocio Gomez Salazar, who is the Widow of the previous owner of the home, Mr. Saverio Castelli. Ms. Salazar is a native of Columbia and speaks English as a second language. Her husband always handled the home, the finances, and any business matter for the couple. Upon his death Ms. Salazar was told about the Code Enforcement violation by her now deceased husband by a Code Enforcement Officer. Shortly after receiving notice, Ms. Salazar made contact with the Trustee of the Trust handling the Estate to get the matter rectified.

The violation was cured and the wall that was added to the back patio was removed and the violations stopped. Ms. Salazar is now the lawful owner of the property, as she was not previously on title and spent half of her time in her native Columbia. All violations were cured upon the current owners notice of such, to date there have been no other violations on the property, and the property is now homestead property of the owner. Ms. Salazar is a widow and lives off of her deceased husbands small social security and can not afford any large fines.

Very Truly yours,

LAW OFFICES OF MICHAEL SARACCO
BY:
/s/ Michael A. Saracco
MICHAEL SARACCO, ESQ.

This Instrument prepared by:
Jessica M. Shapiro, Esq.
Gunster, Yoakley, & Stewart, P.A.
Phillips Point, Suite 500
777 South Flagler Drive
West Palm Beach, Florida 33401

Parcel I.D. No.: 6590500259

This instrument prepared without the benefit of title examination or opinion as to matters affecting title.

THIS DEED IS GIVEN TO EVIDENCE THE DISTRIBUTION OF ASSETS OF A DECEDENT'S ESTATE PURSUANT TO SECTION 12B-4.014(4) AND IS EXEMPT FROM DOCUMENTARY STAMP TAXES.

QUITCLAIM DEED

THIS QUITCLAIM DEED made this 3rd day of May, 2018, by MARIA SCARPA, AS PERSONAL REPRESENTATIVE OF THE ESTATE OF SAVERIO L. CASTELLI, AND AS TRUSTEE OF THE SAVERIO L. CASTELLI REVOCABLE LIVING TRUST U/A/D AUGUST 3, 2006, AS AMENDED ("Grantor"), whose mailing address is 137 Washington Avenue, West Caldwell, NJ 07006, to IRMA ROCIO GOMEZ SALAZAR ("Grantee"), whose mailing address is 615 Magellan Drive, Sarasota, Florida 34243. (Whenever used herein the terms "Grantor" and Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH:

WHEREAS, Saverio L. Castelli (hereinafter called "Decedent"), died testate as a resident of Manatee County, Florida on May 1, 2016, seized and possessed of the real property hereinafter described; and

WHEREAS, the Last Will and Testament of the Decedent and Letters of Administration were duly admitted to probate and recorded by the Clerk of the Circuit Court, Probate Division, in and for Manatee County, Florida, as appears in Case No. 2016 CP 1940.

WHEREAS, litigation ensued to address the various claims against the Estate of Saverio L. Castelli (the "Estate"), resulting in the Circuit Court having jurisdiction over the Estate entering an Agreed Order recorded as Book 2726 Page 5024 (the "Order").

WHEREAS, Grantor wishes to distribute said property to Grantee in accordance with the Order.

The Grantor, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt and sufficiency whereof is hereby acknowledged, remises, releases and quit claims to Grantee, its successors and assigns forever, that certain real property, situate in Manatee County, Florida, as more particularly described as follows (the "Property"):

Lot 17, Block 76, Country Club Addition to Whitfield Estates, according to plat thereof, recorded in Plat Book 7, page 82, of the Public Records of Manatee County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use, benefit and behalf of the Grantee forever.

GRANTOR hereby affirms that the herein described Property is not her homestead, nor contiguous to her homestead, has never been her homestead nor that of her spouse, and that neither Grantor nor her spouse reside on the Property.

[*Signature Page Follows*]

IN WITNESS WHEREOF, the Grantor has caused this Deed to be executed in her fiduciary capacity on the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:

Signature of Witness

ALDO SCARPA
Print Name of Witness

Signature of Witness

THERESA CASTELLI
Print Name of Witness

MARIA SCARPA, as Personal Representative of the Estate of Saverio L. Castelli, and as Trustee of the Saverio L. Castelli Revocable Living Trust u/a/d August 3, 2006, as amended

STATE OF New Jersey)
)ss.
COUNTY OF Essex)

The foregoing instrument was acknowledged before me this 3rd day of May, 2018, MARIA SCARPA, as Personal Representative of the Estate of Saverio L. Castelli, and as Trustee of the Saverio L. Castelli Revocable Living Trust u/a/d August 3, 2006, as amended. The above-named individual ☒ is personally known to me or ☐ has produced _____ as identification.

Print Name: Craig Rein
Notary Public
State of New Jersey
My Commission Number: 50080122
My Commission Expires: Apr. 19, 2023

(Notary Seal)

SAVERIO CASTELLI
615 MAGELLAN AVENUE
SARASOTA, FLORIDA 34243

RECEIVED
NOV 22 2011
CODE ENFORCEMENT

November 22, 2011

Neighborhood Services Department
Code Enforcement Division
P.O. Box 1000
Bradenton, Florida 34206-1000

Attention: Anne Catalano

Re: County of Manatee vs. Castelli
File No. CE 2011040350

Dear Ms. Catalano:

This letter will serve as a written plea of "NOT IN VIOLATION" on behalf of my father, Saverio Castelli (aged 83 years), regarding the above referenced hearing scheduled for Wednesday, November 23, 2011 at 10:00am. My father is currently overseas but I hold a power of attorney on his behalf. I understand that in putting in this plea, this matter will be forwarded to the code enforcement board for a hearing on Wednesday, December 14, 2011. If you should require any additional information please don't hesitate to contact me in New Jersey at: 201-240-4873.

Thank you for your kind consideration.

Sincerely yours,

Maria Castelli-Scarpa

Return fax #973-228-3329

SAVERIO CASTELLI
615 MAGELLAN AVENUE
SARASOTA, FLORIDA 34243

Via Telecopier 941-749-3094

RECEIVED
NOV 16 2011
CODE ENFORCEMENT

November 14, 2011

Neighborhood Services Department
Code Enforcement Division
P.O. Box 1000
Bradenton, Florida 34206-1000

Attention: Anne Catalano

Re: County of Manatee vs. Castelli
File No. CE 2011040350

Dear Ms. Catalano:

?

This letter will serve as written confirmation, per your discussion with my father, Saverio Castelli, that the above referenced hearing scheduled for Wednesday, November 23, 2011 at 10:00am please be postponed until mid January. My father is currently overseas and will not be returning to Florida until after the holidays.

Thank you for your kind consideration.

Sincerely yours,

Maria Castelli

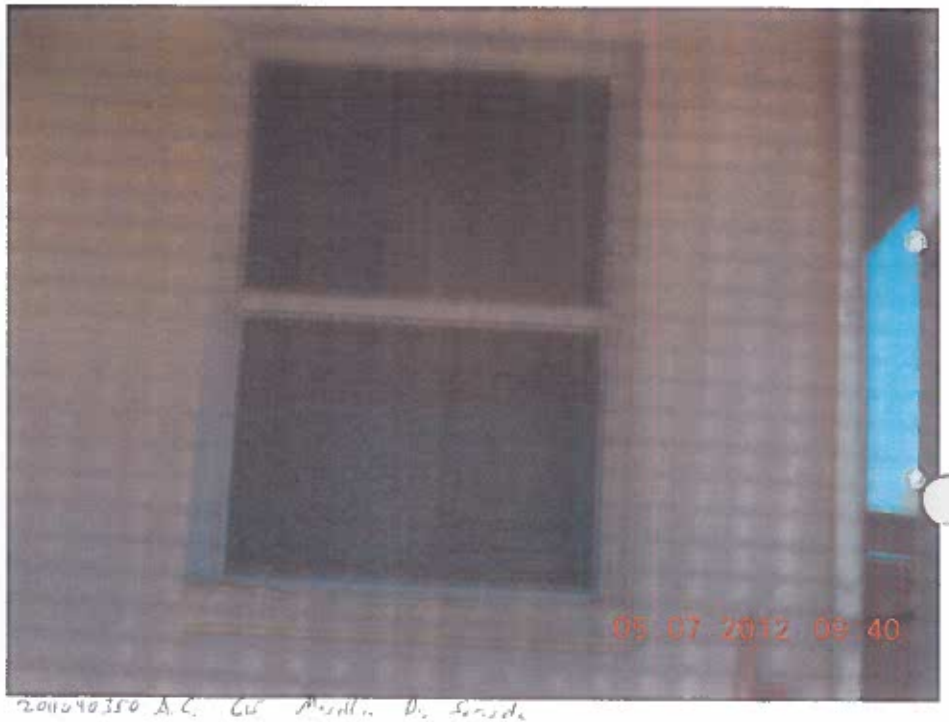
Maria Castelli

Return fax #973-228-3329

They've asked me — I told them it was ultimately your decision (please let me know when you set a time.)

Also, I haven't spoken to Mr. Castelli. He's in Italy, I hear.

2011040350 C15 Magellan Dr. Sarasota AC



2011040350 A.C. C15 Magellan Dr. Sarasota

2011040350 AC C15 Magellan Dr. Sarasota

2011040350 C15 Magellan Dr. Sarasota AC

CE2011040350

VIOLATION OF 512.1, 513.1, 703.2.23.1 and 703.2.20

615 Magellan Dr., Sarasota

CE2011040350

VIOLATION OF 512.1, 513.1, 703.2.23.1 and 703.2.20

615 Magellan Dr., Sarasota

CE2011040350

VIOLATION OF 512.1, 513.1, 703.2.23.1 and 703.2.20

615 Magellan Dr., Sarasota

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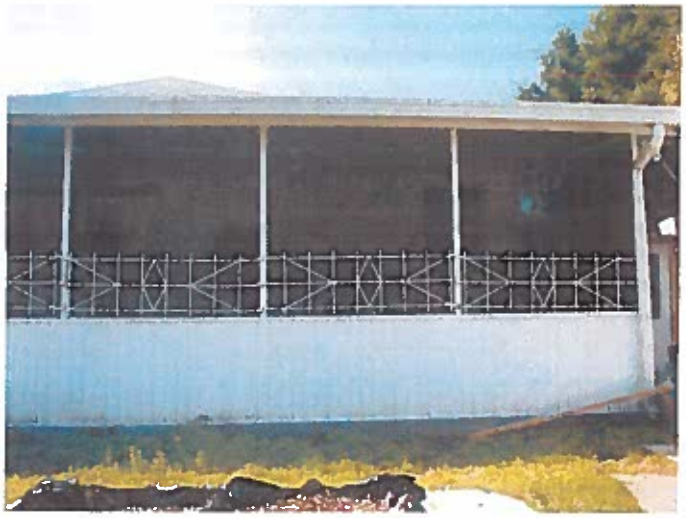

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CE2011040350
4/15/2011 10:42:00 AM
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MANATEE COUNTY CODE ENFORCEMENT BOARD
MANATEE COUNTY, FLORIDA

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

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

Case No. CE2011040350

vs.

SAVERIO L. CASTELLI, MARIO ANDRES GALLEGO GOMEZ, AND IRMA R. CASTELLI,
Respondents,

ORDER IMPOSING FINE

THIS CAUSE came on for public hearing before the Code Enforcement Board on December 14, 2011, and the Code Enforcement Board 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 Saverio L. Castelli, Mario Andres Gallego Gomez, and Irma R. Castelli, hereinafter referred to as Respondents, are the owners of record of the subject property.
2. That notice was served on Respondents and Karen Kuhlman was present at the hearing.
3. That previous notifications of the violation of the Manatee County Land Development Code Section 513.1 were made and served on Respondents by certified mail.
4. That the property located at 615 Magellan Drive, Sarasota, DP 6590500259, is in violation of Manatee County Land Development Code Section 513.1 for enclosing a room and erecting a lean-to structure without obtaining the required Certificate of Occupancy.
5. That Respondents are in violation of Section 513.1 because a room was enclosed and a lean-to structure was built without obtaining the required Certificate of Occupancy.

CONCLUSIONS OF LAW

1. That the Respondents are in violation of Manatee County Land Development Code Section 513.1.

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 513.1
2. THAT if this Order is not complied with on or before May 4, 2012, it is hereby ordered that Respondents shall pay a minimum fine of $150, plus $25 per day for each and every day any violation described herein continues past May 4, 2012.
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 Board 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 violation exists beyond the date set for compliance, the Code Enforcement Board shall impose a minimum fine of $150.

Ordered December 14, 2011, and executed this 19th day of December, 2011.

ATTEST: R. B. Shore
Clerk of Circuit Court
By: Vicki Lessner
Deputy Clerk

Chairman, Manatee County
Code Enforcement Board

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to the Respondent, SAVERIO L. CASTELLI, MARIO ANDRES GALLEGO GOMEZ, AND IRMA R. CASTELLI, 615 MAGELLAN DRIVE, SARASOTA, FLORIDA 34243-1008 by U.S. mail, and to the Manatee County Code Enforcement Division, this 19th day of December, 2011.

R. B. SHORE
Clerk of Circuit Court, Manatee County, Florida
By: Vicki Lessner
Deputy Clerk

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 21st day of May, 2012
R.B. SHORE
Clerk of Circuit Court
By: Vicki Lessner DC

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).

Rec 5-22-12

Page 0103

Book 2421

CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,
Complainant,

CASE NO. CE2011040350

vs.

Saverio L Castelli, Mario Andres Gallego Gomez and Irma Castelli,
Respondent.

ORDER OF REFERRAL TO THE BOARD OF COUNTY COMMISSIONERS

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on June 27, 2018, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

1. The Compliance Orders issued on December 14, 2011 found that the original owner(s) Saverio L Castelli, Mario Andres Gallego Gomez and Irma Castelli, was/were the owner(s) or person(s) in charge of the property located at 615 Magellan Dr., Sarasota and identified in the Manatee County Property Appraiser's records as: PIN#6590500259, and that the property was in violation of Section(s) 513.1 of the Manatee County Land Development Code, in that Respondent enclosed a room and erected a lean-to-structure without obtaining the required Certificate of Occupancy.

2. The Compliance Order imposed a minimum fine of $150.00 for each violation in addition to a fine of $25.00 per day for each day each violation continued to exist past the compliance date ordered.

3. As of the date of the hearing, fines imposed against Respondent(s) total $49,295.00 which includes $20 recording fees. A certified copy of the Order of Imposing Fine/Lien issued on December 14, 2011 was recorded in the Public Records of Manatee County Book 2421, Page 0103, and thereafter constituted a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-9-8 of the Manatee County Code of Ordinances.

4. The corrective action ordered in the Compliance Order has been completed and the property is now in compliance with Manatee County Land Development Code.

5. Justification exists to refer this case to the Manatee County Board of County Commissioners with a recommendation to reduce the outstanding fines to $3,000.00 plus $20.00 in recording fees.

DONE AND ORDERED this 27th day of June, 2018.

Manatee County Code Enforcement,
Special Magistrate

Special Magistrate (Signature)

Print Name: Donald Courtney

CASE NO. CE2011040350

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been filed for the record on June 27, 2018 and has been furnished to the Respondent (s),

☒ **Personally, on this 27th day of June, 2018**

☑ **By US Mail on this 27th day of June, 2018**

Code Enforcement Administrative Specialist
Manatee County

By: _____
Administrative Specialist (Signature)

Print Name: Ms. Robin J Dyer

Code Enforcement Division
1112 Manatee Ave West
Bradenton, FL. 34205

Attention: It is **your** responsibility to notify Code Enforcement at **941-748-2071** to verify that the violation has been brought into compliance and that any fines/liens have been satisfied.