



April 28<sup>th</sup>, 2009

Wells Fargo Bank Trustee  
c/o Samantha J. LaPatra  
6501 Irvine Center Drive  
Irvine, CA 92618

RE: Code Enforcement Lien  
Property Owner: Wells Fargo Bank Trustee (Formerly – Lillian Lens)  
Property Address: 801 NE 34<sup>th</sup> Street, Oakland Park, FL  
Case Number: 156363  
Lien Amount: \$ 21,200

Dear: Ms. LaPatra,

Thank you for the e-mail dated April 24<sup>th</sup>, 2009, requesting a negotiated reduction in the above lien. Our records reflect a total lien amount of \$21,200 as of April 15<sup>th</sup>, 2009, which was the date of the initial request for settlement. In reviewing the case, the City provides the following findings:

The lien was a result of the property, located at 801 NE 34<sup>th</sup> Street, being in violation on August 12<sup>th</sup>, 2008, for the following:

	CODE SECTION	DESCRIPTION
1.	SEC.8.7 – Overgrowth of Grass & Weeds	Accumulation of overgrowth of grass, weeds, vegetation, trees, vines or stagnant water is prohibited. <i>Specifically: the property must be maintained on a regular basis.</i>
2.	SEC.24.69 (B) (1) (E) – Unenclosed Pools	Water in any swimming pool shall be maintained in a clear and sanitary condition. <i>Specifically: the pool water must be maintained and made clear. Rain water must be removed and filtered clear.</i>
3.	SEC.24.69 (B) (3) – Pool Fencing	All pools shall be enclosed by a permanent fence at least four (4) feet in height with all access gates being self-closing and self-latching or be completely enclosed by a screen enclosure, the exterior door of which to be self-closing and self-latching. Hot tubs or spas may be equipped with a locking cover in lieu of being fenced. <i>Specifically: all pools are required to be fenced. Fence off the pool area.</i>
4.	SEC.13.32 (A) – Accumulation Of Refuse Prohibited.	Owner of private property shall not permit any refuse to be placed, stored or accumulated on that property, including the abutting swale. <i>Specifically: remove ball refuse from the property.</i>

**TIMELINE:****August 12<sup>th</sup>, 2008 – Date of Violation****September 11<sup>th</sup>, 2008 - Code Enforcement Meeting:**

Emanuel Legakis, real estate agent, appeared in defense of this item. The Code Enforcement Board made a motion to find a violation of the unenclosed pool and pool fencing violations and that the violations and conditions causing the violations did constitute a threat to public health, safety and welfare. The Board ordered compliance on or before September 13, 2008 with a fine of \$50 per day thereafter.

The Board also made a motion to find a violation of overgrowth and accumulation of refuse violations and that the violations and conditions causing the violations did constitute a threat to public health, safety and welfare. The Board ordered compliance on or before October 9, 2008 with a fine of \$50 per day thereafter.

**September 13<sup>th</sup>, 2008 – Required Compliance Date**

Required Compliance date for Violations 2 & 3

**October 9<sup>th</sup>, 2008 – Actual Compliance Date**

Violations 1 & 4 were brought into compliance.

**October 9<sup>th</sup>, 2008 – Required Compliance Date**

Required Compliance date for Violations 1 & 4

**November 13<sup>th</sup>, 2008 – Code Enforcement Meeting**

No witnesses appeared in defense of this item. The Board certified the fine.

**April 28<sup>th</sup>, 2008 – Update**

Violations 2 & 3 are still not in compliance.

The violations came into compliance as follows:

	<b>CODE SECTION</b>	<b>COMPLIANCE DATE</b>	<b>LIEN AMOUNT</b>
1.	SEC.8.7 – Overgrowth of Grass & Weeds	On October 9 <sup>th</sup> , 2009; 0 days after the required compliance date.	\$ 0
2.	SEC.24.69 (B) (1) (E) – Unenclosed Pools	Not in Compliance as of April 28 <sup>th</sup> , 2009. Total number of days 212. Fines accrue at \$50/day.	\$ 10,600
3.	SEC.24.69 (B) (3) – Pool Fencing	Not in Compliance as of April 28 <sup>th</sup> , 2009. Total number of days 212. Fines accrue at \$50/day.	\$ 10,600
4.	SEC.13.32 (A) – Accumulation Of Refuse Prohibited.	On October 9 <sup>th</sup> , 2009; 0 days after the required compliance date.	\$ 0
		Total Lien Amount	\$ 21,200

The City acknowledges the time and effort expended to bring the property into compliance with the City's code and to correct the violations. The City offers the following settlement, as of April 15<sup>th</sup>, 2009:

Total Lien Amount	\$ 21,200
Reduce Lien to 30%	\$ 6,375
Plus Recording fees	\$ 100
Processing Fee	\$ 125
Total Settlement Offer	\$ 6,600

The City will submit the proposed settlement offer of \$6,375 and \$225 for the preparation of processing and recording fees to the City Commission for their consideration to release the lien.

This total settlement offer of \$6,600 must be paid within 30 days of City Commission approval. Failure to pay within 30 days would cause the lien to revert to its original amount of \$21,200, with no further recourse or reduction of the original lien amount.

In addition, the City agrees to suspend the accrual of fines until June 15<sup>th</sup>, 2009 on the condition that the outstanding code violations are brought into compliance prior to June 15<sup>th</sup>, 2009. Failure to abide by this condition will result in additional fines of \$50 per day per violation, starting from April 16<sup>th</sup>, 2009, for each violation that remains out of compliance.

If you have any additional questions, please contact me at (954) 630-4398 or via email at [donk@oaklandparkfl.org](mailto:donk@oaklandparkfl.org).

Sincerely,

Don A. Kas  
Code Enforcement Manager

SETTLEMENT OFFER

April 28<sup>th</sup>, 2009

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I/We \_\_\_\_\_ accept the offer of settlement to pay \$6,375, plus \$225 recording & processing fee, for a total amount of \$6,600, to settle the \$21,200 Code Enforcement Lien Case No. 156363 on the property located at 801 NE 34<sup>th</sup> Street, Oakland Park, FL. [In addition, we agree to bring the outstanding code violations into compliance prior to June 15<sup>th</sup>, 2009. We understand that the failure to bring a violation into compliance prior to June 15<sup>th</sup>, 2009 will result in additional fines of \\$50/day/violation starting from April 16<sup>th</sup>, 2009.](#)

Upon signing this settlement offer, I/We \_\_\_\_\_, release, discharge, and waive all claims that we have or may have in the future against the City of Oakland Park from any and all claims related to or arising from code enforcement matters for the above code enforcement violations.

\_\_\_\_\_  
Wells Fargo Bank Trustee Date

\_\_\_\_\_  
Print Name

Before me, a notary public, personally appeared the above signed property owner(s) who acknowledged the same before me on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary

(SEAL)