

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Satisfaction of Code Enforcement Lien – Case No. 09-12-CEB – Ryan A. Gilbert

DEPARTMENT: Planning and Development **DIVISION:** Planning

AUTHORIZED BY: Dori DeBord **CONTACT:** Carolyn Jane Spencer **EXT:** 7403

MOTION/RECOMMENDATION:

Approve the Satisfaction of Lien in the amount of \$5,000.00, Case No. 09-12-CEB, on 3905 Anna Drive, Apopka, Tax Parcel # 17-21-29-512-0000-0260, Ryan A. Gilbert, and authorize the Chairman to execute a Satisfaction of Lien.

District 3 Dick Van Der Weide

Tina Williamson

BACKGROUND:

In response to a complaint on October 7, 2008, the Code Enforcement Officer observed the following violation located at 3905 Anna Drive, Apopka: Uncultivated vegetation in excess of 24” in height and located within 75’ from any structure which is in violation of Seminole County Code Section 95.4, as defined in Section 95.3 (h).

The timeline on this violation is below:

DATE	ACTION	RESULT
January 22, 2009	Code Board Hearing – Findings of Fact, Conclusions of Law and Order	Findings of Fact, Conclusions of Law and Order entered by the Code Enforcement Board setting a compliance date of February 12, 2009 or a fine of \$100.00 per day imposed until compliance is achieved
February 16, 2009	Affidavit of Non-Compliance	Violation remained uncorrected
March 26, 2009	Code Board Hearing – Order Finding Non-Compliance and Imposing Fine/Lien	Order Imposing Fine/Lien entered by the Code Enforcement Board imposing a lien of \$4,200.00 for 42 days of non-compliance.
April 4, 2009	Affidavit of Compliance filed by the Code Enforcement Officer	Lien totals \$5,000.00 for 50 days of non-compliance
May 12, 2009	Payment received in the amount of \$4,200.00	
October 5, 2009	Payment received in the amount of \$800.00	

STAFF RECOMMENDATION:

Staff recommends that the Board approve the Satisfaction of Lien in the amount of \$5,000.00, Code Enforcement Board Case #09-12-CEB, on 3905 Anna Drive, Apopka, Tax Parcel # 17-21-29-512-0000-0260, Ryan A. Gilbert, and authorize the Chairman to execute a Satisfaction of Lien.

ATTACHMENTS:

1. Case documents (Affidavits and Orders)
2. Checks and receipts for payments (2)
3. Property Appraiser Data
4. Satisfaction of Lien

Additionally Reviewed By:

■ County Attorney Review (Kathleen Furey-Tran)

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

YANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 07199 Pg 0521; (1pg)
CLERK'S # 2009061216
RECORDED 06/08/2009 11:41:46 AM
RECORDING FEES 0.00
RECORDED BY G Harford
Case No. 09-12-CEB

SEMINOLE COUNTY, a political
subdivision of the State of Florida

Petitioner,
vs.

Ryan A Gilbert

Respondent.

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA
BY: *[Signature]*
DATE: *5-28-09*

AFFIDAVIT OF COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared **Joann D. Tamulonis**, Code Enforcement Officer for Seminole County Sheriff's Office, who, after being duly sworn, deposes and says:

1. That on **January 22, 2009** the Board held a public hearing and issued its Order in the above-styled matter.
2. That pursuant to said order, Respondent was to have taken certain corrective action by or before **February 12, 2009**.
3. That based on statements and evidence submitted and a re inspection which was performed, the Respondent was in compliance on **April 04, 2009**
4. That the re inspection revealed that the corrective action ordered by the Board has been taken in that **the violation of uncultivated vegetation has been removed..**

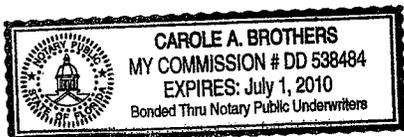
FURTHER AFFIANT SAYETH NOT. DATED this 28th day of April, 2009

Joann Tamulonis
Joann Tamulonis, Code Enforcement Officer

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 28th day of April, 2009, by **Joann Tamulonis**, who is personally known to me and who did take an oath.

Carole A. Brothers
Notary Public in and for the County
and State Aforementioned
My commission expires:



RETURN TO SANDY MCCANN

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 07159 Pgs 1839 - 1840; (2pgs)
CLERK'S # 2009034345
RECORDED 03/31/2009 11:28:31 AM
RECORDING FEES 18.50
RECORDED BY G Harford
CASE NO. 09-12-CEB

SEMINOLE COUNTY, a political
Subdivision of the State of Florida,

Petitioner,

vs.

**RYAN A. GILBERT &
BANK OF NEW YORK**
PARCEL I.D. NO - 17-21-29-512-0000-0260

Respondent.

**CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FL**

BY: *[Signature]*
DATE: 3/30/09

ORDER FINDING NON-COMPLIANCE AND IMPOSING FINE/LIEN

The Respondent is the owner of record of the property (Tax Parcel I.D. # 17-21-29-512-0000-0260) located at 3905 Anna Drive, Apopka, located in Seminole County and legally described as follows:

**LEG LOT 26 BEAR LAKE HILLS
PB 13 PG 37**

This case came on for public hearing before the Code Enforcement Board of Seminole County on January 22, 2009, after due notice to the Respondent. The Board, having heard testimony under oath and having received evidence, issued its Findings of Fact, Conclusions of Law and Order.

Said Order found Respondent in violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h).

Said Order stated that a fine in the amount of \$100.00 per day would be imposed if the Respondent did not take certain corrective action by February 12, 2009.

An Affidavit of Non-Compliance has been filed by the Code Enforcement Officer, which Affidavit certified under oath that the required action has not been obtained after reinspection on February 13, 2009.

Accordingly, it having been brought to the Board's attention that Respondent has not complied with the Order dated January 22, 2009, the Board orders that a lien in the amount of **\$4,200.00** for 42 days of non-compliance at \$100.00 per day, from February 13, 2009 through and including March 26, 2009, be imposed; and the fine shall continue

RETURN TO SANDY MCCANN

to accrue at \$100.00 per day for each day the violation continues or is repeated past March 26, 2009.

The Order shall be recorded in the official land records of Seminole County and shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the Respondent.

DONE AND ORDERED this 26th day of March 2009, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA



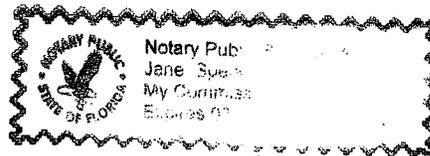
TOM HAGOOD, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 26th day of March 2009, by Tom Hagood, who is personally known to me.



Jane Spencer
Notary Public to and for the
County and State aforementioned.
My Commission Expires



LEGIBILITY UNSATISFACTORY
FOR SCANNING

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA

SEMINOLE COUNTY, a political
subdivision of the State of
Florida,

CASE NO: 09-12-CEB

1 2009 FEB 12 PM 02:29:24 PM 02:29:24 PM 02:29:24 PM 02:29:24 PM 02:29:24 PM

Petitioner,
vs.

Ryan A. Gilbert

Respondent.

MARYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 07157 Pg 0494; (1pg)
CLERK'S # 2009032251
RECORDED 03/25/2009 02:29:24 PM
RECORDING FEES 0.00
RECORDED BY G Harford

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared Joann D. Tamulonis, Code Enforcement Officer for Seminole County Sheriff's Office, who after being duly sworn, deposes and says:

1. That on **January 22, 2009** the Board held a public hearing and issued its Order in the above-styled matter
2. That, pursuant to said Order, Respondent was to have taken certain corrective action by or before **February 12, 2009**
3. That a re-inspection was performed on **February 13, 2009**
4. That the re-inspection revealed that the corrective action ordered by the Board has not been taken in that the **uncultivated vegetation in excess of 24 inches in height within 75 ft of a structure remains on the property.**

FURTHER AFFIANT SAYETH NOT.

DATED this 16th day of February, 2009

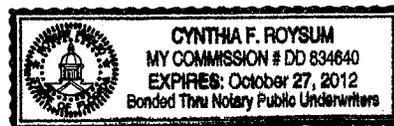

Joann D. Tamulonis, Code Enforcement Officer

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 16th day of February, 2009 by Joann D. Tamulonis, who is personally known to me and who did take an oath.


Notary Public in and for the County
and State Aforementioned
My commission expires:

CERTIFIED COPY
CLERK OF THE
CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FL
BY: 
DATE: 3/5/09



RETURN TO SANDY MCCANN

RYANNE MORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY
BK 07126 Pgs 0913 - 914; (2pgs)
CLERK'S # 2009010383
RECORDED 01/30/2009 12:03:16 PM
RECORDING FEES 18.50
RECORDED BY G Harford

**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA**

CASE NO. 09-12-CEB

CERTIFIED COPY

CLERK OF THE
**CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FL**

BY: Jane Spence
DATE: 1/28/09

SEMINOLE COUNTY, a political
Subdivision of the State of Florida,

Petitioner,

vs.

**RYAN A. GILBERT &
BANK OF NEW YORK
PARCEL I.D. NO. - 17-21-29-512-0000-0260**

Respondents.

RETURN TO SANDY MCCANN

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Based on the testimony and evidence presented in case number 09-12-CEB, it is determined that the Respondents are:

- (a) the owners of record of the property (Tax Parcel ID # 17-21-29-512-0000-0260) located at 3905 Anna Drive, Apopka, located in Seminole County and legally described as follows:

LEG LOT 26 BEAR LAKE HILLS
PB 13 PG 37

- (b) in possession or control of the property, and
- (c) in violation of Seminole County Code, Chapter 95, Section 95.4, as defined in Section 95.3 (h).

It is hereby ordered that the Respondents shall correct the violation on or before February 12, 2009. In order to correct the violation, the Respondents shall take the following remedial action:

- 1) REMOVE UNCULTIVATED VEGETATION IN EXCESS OF 24 INCHES IN HEIGHT AND LOCATED WITHIN 75 FEET FROM ANY STRUCTURE**

If the Respondents do not comply with the Order, a fine of \$ 100.00 per day will be imposed for each day the violation continues or is repeated after compliance past February 12, 2009.

The Respondents are further ordered to contact the Seminole County Code Officer to arrange for an inspection of the property to verify compliance. Any fine imposed shall continue to accrue until the Code Officer inspects the property and verifies compliance with this Order.

This Order shall be recorded in the official land records of Seminole County.

DONE AND ORDERED this 22nd day of January 2009, in Seminole County, Florida.

CODE ENFORCEMENT BOARD
SEMINOLE COUNTY, FLORIDA



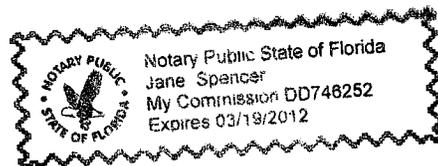
TOM HAGOOD, CHAIR

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 22nd day of January 2009, by Tom Hagood, who is personally known to me.



Jane Spencer
Notary Public to and for the
County and State aforementioned.
My Commission Expires



PARAMOUNT TITLE CORPORATION
ESCROW DISBURSEMENT ACCOUNT
1602 W. FLETCHER ROAD, SUITE 101
TAMPA, FLORIDA 33612

REGIONS
63-466/631

163246

September 25, 2009
jmp

PAY

****Eight Hundred dollars & no cents****

****\$800.00**

TO THE ORDER OF **BCC, Planning Division**
1101 East First Street
Sanford, FL 32771-1468
File No. 09F0446 CHICAGO 09F0446 3905 Anna Drive

Case # **09-12-CEB**

VOID AFTER 90 DAYS



AUTHORIZED SIGNATURE



RECEIPT

No 74091

SEMINOLE COUNTY, FLORIDA

Date 10/6 2009
Received from Paramount Title Corp
Address _____
Description _____

Account Number	Amount	Description
00100.354200.	800.00	Parcel
110100		17-21-29-512-0000 - 0260
		Case
		09-12-CEB

Total Amount 800.00

Board of County Commissioners

Check No. 1163246 Cash _____

By [Signature]

JPMorgan Chase Bank, N.A.
Dallas, TX

88-88/1113

715 S. Metropolitan Ave.
Oklahoma City, OK 73108
Tel (405) 945-1400

Check Number 30002583

793620345
CIT LOAN

Date MAY 5 09

CORPORATE ADVANCE
DISBURSEMENTS

Amount \$*****4,200.00

Pay 4,200 DOLLARS AND 00 CENTS

To the order of: SEMINOLE COUNTY
1101 E 1ST ST - ROOM 1200
SANFORD 32771-1468



RECEIPT

No 73327

SEMINOLE COUNTY, FLORIDA

Date 5/12 20 09
Received from Planning & Development
Address _____
Description CIT LOAN - RYAN A. GILBERT

Account Number	Amount	Description
-----	-----	-----
-----	<u>4200.00</u>	<u>Check</u>
-----	-----	<u>ENFORCEMENT</u>
-----	-----	<u>09-12-CEB</u>
-----	-----	-----

Total Amount 4200.00
Check No. 30002583 Cash _____
Board of County Commissioners
By DDUDLEY

<p>DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																																																		
<p>GENERAL Parcel Id: 17-21-29-512-0000-0260 Owner: GILBERT RYAN A Mailing Address: 3905 ANNA DR City,State,ZipCode: APOPKA FL 32703 Property Address: 3905 ANNA DR APOPKA 32703 Subdivision Name: BEAR LAKE HILLS Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2007) Dor: 01-SINGLE FAMILY</p>		<p style="text-align: center;">VALUE SUMMARY</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2008 Working</th> <th style="text-align: center;">2007 Certified</th> </tr> <tr> <th style="text-align: center;">Value Method</th> <th style="text-align: center;">Cost/Market</th> <th style="text-align: center;">Cost/Market</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: right;">\$74,444</td> <td style="text-align: right;">\$104,946</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$384</td> <td style="text-align: right;">\$384</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$25,000</td> <td style="text-align: right;">\$36,000</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$141,330</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$141,330</td> </tr> </tbody> </table> <p style="text-align: center;">Tax Estimator Portability Calculator 2008 Notice of Proposed Property Tax</p>	VALUES	2008 Working	2007 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$74,444	\$104,946	Depreciated EXFT Value	\$384	\$384	Land Value (Market)	\$25,000	\$36,000	Land Value Ag	\$0	\$0	Just/Market Value	\$99,828	\$141,330	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$99,828	\$141,330															
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<p>2008 Taxes and Taxable Value Estimate</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Taxing Authority</th> <th style="text-align: center;">Assessment Value</th> <th style="text-align: center;">Exempt Values</th> <th style="text-align: center;">Taxable Value</th> <th style="text-align: center;">Millage</th> <th style="text-align: center;">Taxes</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">Cnty County</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$49,828</td> <td style="text-align: right;">4.5153</td> <td style="text-align: right;">\$224.99</td> </tr> <tr> <td style="text-align: center;">Schools</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$25,000</td> <td style="text-align: right;">\$74,828</td> <td style="text-align: right;">7.5430</td> <td style="text-align: right;">\$564.43</td> </tr> <tr> <td style="text-align: center;">Fire</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$49,828</td> <td style="text-align: right;">2.3299</td> <td style="text-align: right;">\$116.09</td> </tr> <tr> <td style="text-align: center;">Road District</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$49,828</td> <td style="text-align: right;">.1107</td> <td style="text-align: right;">\$5.52</td> </tr> <tr> <td style="text-align: center;">SJWM(Saint Johns Water Management)</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$49,828</td> <td style="text-align: right;">.4158</td> <td style="text-align: right;">\$20.72</td> </tr> <tr> <td style="text-align: center;">Natural Lands/Trails I/S Debt</td> <td style="text-align: right;">\$99,828</td> <td style="text-align: right;">\$50,000</td> <td style="text-align: right;">\$49,828</td> <td style="text-align: right;">.1451</td> <td style="text-align: right;">\$7.23</td> </tr> <tr> <td style="text-align: center;">Total</td> <td></td> <td></td> <td></td> <td style="text-align: right;">15.0598</td> <td style="text-align: right;">\$938.98</td> </tr> </tbody> </table> <p style="text-align: center;">The taxable values and taxes are calculated using the current years working values and the proposed millage rates.</p>			Taxing Authority	Assessment Value	Exempt Values	Taxable Value	Millage	Taxes	Cnty County	\$99,828	\$50,000	\$49,828	4.5153	\$224.99	Schools	\$99,828	\$25,000	\$74,828	7.5430	\$564.43	Fire	\$99,828	\$50,000	\$49,828	2.3299	\$116.09	Road District	\$99,828	\$50,000	\$49,828	.1107	\$5.52	SJWM(Saint Johns Water Management)	\$99,828	\$50,000	\$49,828	.4158	\$20.72	Natural Lands/Trails I/S Debt	\$99,828	\$50,000	\$49,828	.1451	\$7.23	Total				15.0598	\$938.98
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<p style="text-align: center;">SALES</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Deed</th> <th style="text-align: center;">Date</th> <th style="text-align: center;">Book</th> <th style="text-align: center;">Page</th> <th style="text-align: center;">Amount</th> <th style="text-align: center;">Vac/Imp</th> <th style="text-align: center;">Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>07/2006</td> <td>06350</td> <td>1070</td> <td>\$195,000</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>09/2005</td> <td>05889</td> <td>0477</td> <td>\$95,000</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	07/2006	06350	1070	\$195,000	Improved	Yes	WARRANTY DEED	09/2005	05889	0477	\$95,000	Improved	Yes	<p style="text-align: center;">2007 VALUE SUMMARY</p> <p style="text-align: right;">Tax Amount(without SOH): \$1,718 2007 Tax Bill Amount: \$1,718 Save Our Homes (SOH) Savings: \$0 2007 Taxable Value: \$116,330</p> <p style="text-align: center;">DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS</p>																											
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<p style="text-align: center;">LAND</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">Land Assess Method</th> <th style="text-align: center;">Frontage</th> <th style="text-align: center;">Depth</th> <th style="text-align: center;">Land Units</th> <th style="text-align: center;">Unit Price</th> <th style="text-align: center;">Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> <td style="text-align: center;">1.000</td> <td style="text-align: right;">25,000.00</td> <td style="text-align: right;">\$25,000</td> </tr> </tbody> </table>		Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	25,000.00	\$25,000	<p style="text-align: center;">LEGAL DESCRIPTION</p> <p style="text-align: center;">PLATS: <input type="text" value="Pick..."/></p> <p style="text-align: center;">LEG LOT 26 BEAR LAKE HILLS PB 13 PG 37</p>																																				
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**SATISFACTION OF LIEN
AS TO PARTICULAR PARCEL**

THIS instrument disclaims and releases the lien imposed by the Order Finding Compliance and Imposing Fine/Lien, issued by the Seminole County Code Enforcement Board in Case No. 09-12-CEB, filed against RYAN A. GILBERT and filed by and on behalf of Seminole County, on March 26, 2009, and recorded in Official Records Book 07159, Pages 1839 - 1840, of the Public Records of Seminole County, Florida, against the following described real property:

LOT 26 BEAR LAKE HILLS PB 13 PG 37

The undersigned is authorized to and does hereby disclaim and release the lien as to the whole of the above-described real property, and consents that the same be discharged of record.

DATED this _____ day of _____, 2009.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida

By: _____
BOB DALLARI, Chairman

Date: _____

For the use and reliance
of Seminole County only.
Approved as to form and
legal sufficiency.

As authorized for execution by the
Board of County Commissioners at their
November 10, 2009 regular meeting.

County Attorney