



**CITY OF UMATILLA  
AGENDA COVER SHEET**

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**DATE:** January 12, 2017

**MEETING DATE:**

January 17, 2017

**SUBJECT:** 42 North Oak Avenue

**ISSUE:** Second Request for Lien Reduction

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**BACKGROUND SUMMARY:** Umatilla's Special Master ordered a lien against property located at 42 North Oak Avenue for violations pertaining to tall grass. Fines were ordered in the amount of \$250/day effective October 18, 2013. The property was subsequently purchased by Michael W. Hart on September 9, 2014 and the deed was recorded on September 21, 2014. Immediately thereafter Mr. Hart mowed and cleaned the overgrown property.

Mr. Hart came before the Council in May 2015 requesting a lien reduction to \$25 per day for the 337 days the property was in violation. The amount of fines at \$25 per day would total \$8,425. The Council compromised by reducing the charge to \$50 a day for 218 days and 119 days at \$25 per day for a total of \$13,875.

**MOTION by Purvis; SECOND by Wright; to accept an offer of \$13,875 for the satisfaction of the lien at 42 N. Oak Street if the payment is received within ten days of today's date. Motion carried.**

Payment was not received by the city in the allotted time frame and Mr. Hart was notified he would have to make another request to the Council when the time came he wished to satisfy the lien. Mr. Hart has provided a letter explaining the circumstances under which his 2015 request was based and the reasons why he was unable to comply with the reduced payment within ten days of the Council's approval.

Mr. Hart has secured funding to pay the previously set lien reduction amount if the Council would determine to renew the lien reduction at the same level. Upon that determination by the Council a letter would be issued stating the lien satisfaction amount. Once payment is received by the city a Reduction of Lien and Release of Lien would be prepared to be executed by Mayor Johnson and sent to the Clerk of Court to be recorded.

**STAFF RECOMMENDATIONS:** Consider request from Mr. Hart and make a determination of action.

**FISCAL IMPACTS:** Resolution 2013-04 states fines collected from Code Enforcement liens are designated to be used solely for Code Enforcement purposes.

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**COUNCIL ACTION:**

**Reviewed by City Attorney**

Yes

No

VN/A

**Reviewed by City Engineer**

Yes

No

VN/A

January 11, 2017

City of Umatilla

1 South Central Avenue

Umatilla, FL 32784

RE: 42 North Oak Avenue Request for Renewed Code Enforcement Fine Reduction

Dear Mrs. Howard:

As you are aware, I stood before the City Councilmembers on May 19, 2015 to request a code enforcement lien reduction on a home I purchased from Jennifer Mullins located at 42 North Oak Avenue. Ms. Mullins had previously abandoned both of her homes located within the City of Umatilla: one at 42 North Oak Avenue and the other located at 61 Winthrop Avenue. Ms. Mullins' home located at 61 Winthrop Avenue sold at Lake County tax deed sale on May 14, 2014. I purchased Ms. Mullins' home located at 42 North Oak Avenue from her on September 9, 2014.

Immediately upon the recording of the sale of my purchase of 42 North Oak, I remediated the overgrown grass and began to rehabilitate the home. Over the next 15 months, I "chipped-away" at replenishing the home so that it would become an asset to the City. The renovation costs were considerably expensive and more so than I imagined.

I was advised by my attorney at the time, Ted McCaskill, that the tax deed surplus funds from the sale of Ms. Mullins' other home located at 61 Winthrop Avenue could be used for the City to make a claim for the lien on 42 North Oak Avenue. Due to my attorney's advice, I approached the Councilmembers to ask for a lien reduction on my home located at 42 North Oak with the intention of the City making a claim on the tax deed surplus funds from 61 Winthrop to pay the lien on 42 North Oak. My attorney, Mr. McCaskill, contacted the tax deed clerk, Jill Messer, on May 22, 2015 regarding the tax deed surplus from 61 Winthrop so to initiate a claim for the City to pay off the lien on 42 North Oak. Unfortunately, four days prior on May 18, 2015 the tax deed clerk sent the remaining tax deed surplus from 61 Winthrop to Wells Fargo. This was a mistake, for there was no longer a mortgage associated with 61 Winthrop as Wells Fargo recorded a Release of Mortgage with the Lake County Clerk of the Circuit Court on August 18, 2014...nine months prior. Moreover, governmental agencies take precedence in order of payment, thus the City of Umatilla should have received the tax deed surplus regardless.

If I would have known that the tax deed clerk wrongfully paid the tax deed surplus and exhausted the account, I would not have approached the Council on this matter on May 19, 2015, but rather waited until I had secured sufficient funds to pay a lien reduction granted by the Council. Now, I have secured a loan to pay the lien reduction. The Council had previously granted me a lien reduction in the amount of \$13,875.00, so I respectfully request the Council to renew this lien reduction so that I can get this lien satisfied. The loan is contingent upon the renewed lien reduction of \$13,875.00 and the lender merely requests a letter stating the lien will be satisfied for this amount. As soon as I am able to provide said letter from the City, the lender will promptly pay said amount. I hope the Council understands that my motives have been pure and will help me finalize this matter. Thank Councilmembers and Mrs. Howard for your help and understanding in this matter.

Sincerely,

Michael W. Hart, Sr.

399 Rose Street

Umatilla, FL 32784

\*\*\*Please see documentation below\*\*\*

INSTRUMENT#:2014089522 OR BK 4515 PG 1464 PAGES: 1 8/18/2014 12:11:11 PM  
NEIL KELLY, LAKE COUNTY CLERK OF THE CIRCUIT COURT  
REC FEES: \$10.00

Recording Requested By:  
WELLS FARGO

When Recorded Return To:

LIEN RELEASE DEPT  
WELLS FARGO  
MAC X9400-L1C  
P.O. BOX 245018  
MILWAUKEE, WI 53224



**RELEASE OF MORTGAGE**

WFHM - CLIENT WFF #:014386540312607535 "MULLINS" Lender ID:RC1 Lake, Florida  
KNOW ALL MEN BY THESE PRESENTS that WELLS FARGO BANK, N.A. successor by merger to WACHOVIA BANK, NATIONAL ASSOCIATION whose address is 11200 W PARKLAND AVE, MILWAUKEE, WI 53224, the present Mortgagee of a certain Mortgage, whose parties, dates and recording information are below, does hereby cancel and discharge said Mortgage.

Original Mortgagor: JENNIFER L MULLINS;  
Original Mortgagee: WACHOVIA BANK, NATIONAL ASSOCIATION,  
Dated: 06/15/2004 Recorded: 06/29/2004 in Book/Reel/Liber: 02603 Page/Folio: 0437 as Instrument No.: 2004086713 in the County of Lake State of Florida

Property Address: 61 WINTHROP AVE, UMATILLA, FL 32784

IN WITNESS WHEREOF, WELLS FARGO BANK, N.A. successor by merger to WACHOVIA BANK, NATIONAL ASSOCIATION by the officers duly authorized, has duly executed the foregoing instrument.

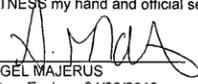
WELLS FARGO BANK, N.A. successor by merger to WACHOVIA BANK, NATIONAL ASSOCIATION  
On August 7th, 2014

By:   
MARIA NATH, Vice President Loan  
Documentation

STATE OF Wisconsin  
COUNTY OF Milwaukee

On August 7th, 2014, before me, ANGEL MAJERUS, a Notary Public in and for Milwaukee in the State of Wisconsin, personally appeared MARIA NATH, Vice President Loan Documentation, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity, and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal,

  
ANGEL MAJERUS  
Notary Expires: 04/08/2018

ANGEL MAJERUS  
NOTARY PUBLIC  
STATE OF WISCONSIN

(This area for notarial seal)

Prepared By:  
Maria Nath, WELLS FARGO X9400-L1C, 11200 W PARKLAND AVE, MILWAUKEE, WI 53224 800-262-5294

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**From:** tmccaskill@shipleylawfirm.com  
**To:** FLAmbassadorHome@aol.com  
**Sent:** 5/22/2015 8:44:34 A.M. Eastern Standard Time  
**Subj:** RE: 42 Oak Ave

**Michael,**

I just contacted the Tax Deed Clerk Jill Messer and she said that the remaining surplus proceeds from the sale of 61 Winthrop Avenue were paid out to Wells Fargo on May 18th. So there's nothing left for the City of Umatilla to get. In the meantime, I'll work on getting a release of judgment from Capital One.

**Ted H. McCaskill, Esq.**

**SHIPLEY LAW FIRM**

**20110-A U.S. Highway 441**

**Mount Dora, Florida 32757-6963**

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