


## MEMORANDUM

**TO:** Mayor & Council Members  
**FROM:** Jeffrey L. Baskoff, Chief of Police   
**DATE:** January 13<sup>th</sup> 2009  
**SUBJECT:** Lien Reduction

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### PURPOSE

In accordance with Chapter 2, Sec. 2-139(i) of the City of Orange City Administrative code, the Council is asked to approve, approve with conditions, or deny the application to satisfy or release a code enforcement lien placed against the property located at 585 Daley Street.

### BACKGROUND

On October 7<sup>th</sup>, 2008 the vacant residential property at 585 Daley Street was observed in violation of Section 9-1(c) (grass and weeds greater than 12"). The property owner of Dream Home Properties of Tampa, Florida was notified of the violation. Subsequent code enforcement hearings followed resulting in a lien in the amount of \$2,750.00.

On December 3<sup>rd</sup>, 2008 Mr. John Holtsclaw, President of Faith Financial Corp., testified before the Orange City Special Magistrate requesting consideration to have the lien released or reduced. Mr. Holtsclaw testified under oath that as the mortgage holder of the property, the property was recently deeded to Faith Financial Corp. in lieu of foreclosure. Mr. Holtsclaw further testified that he has maintained the property without further code enforcement intervention.

Code enforcement official, Sgt. Gregory Lariscy, testified the property has been maintained since it was deeded to Faith Financial Corp.

At the conclusion of the testimony regarding this case, the Orange City Special Magistrate made the recommendation to reduce the lien to \$180 in consideration of the facts of the case and the \$165.00 paid in advance of the hearing.

### RECOMMENDATION

Staff recommends the Council approve the recommendation of the Special Master to release the lien against 585 Daley Street in consideration of \$165.00 fee paid on October 31<sup>st</sup>, 2008 at time of application and the reduced fine amount of \$180.00 paid on December 10<sup>th</sup> 2008.

**ORANGE CITY, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE**

**ORANGE CITY,**  
  
**Petitioner,**

**CASE NO.: 10-07-2434  
585 Daley Street  
Orange City, Florida**

v.

**DREAM HOME PROPERTIES,**  
  
**Respondent.**

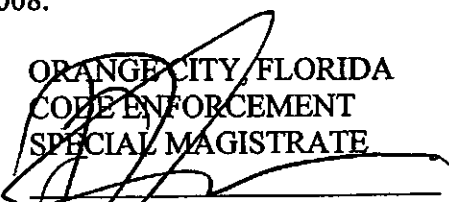
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**RECOMMENDATION OF LIEN REDUCTION**

THIS MATTER came before the Special Magistrate on December 3, 2008, pursuant to a formal request for a reduction of a lien, which lien arose from a previous Order of the Special Magistrate dated April 4, 2008. The application was submitted by Faith Financial Corp., as grantee by deed in lieu of foreclosure from Dream Home Properties, and which entity is the current property owner of the subject property. John Holtsclaw, President of Faith Financial Corp., appeared and presented testimony in support of the request for such lien reduction. Based upon the testimony and evidence presented by Mr. Holtsclaw, on behalf of Faith Financial Corp., and Sergeant Laricsy on behalf of Orange City, having confirmed that Orange City has received full reimbursement of costs associated with recording the April 4, 2008, Order, and having otherwise considered the various factors contained in Orange City Code Section 2-137, it is recommended to the City Council of Orange City, that the lien be reduced to **ONE HUNDRED-EIGHTY and 00/100 Dollars (\$180.00)**, with the stipulation that the reduced amount be paid to Orange City on or before **December 31, 2008**. Failure to pay the total reduced amount will result in the current lien reverting to its original amount of **TWO THOUSAND SEVEN HUNDRED-FIFTY and 00/100 Dollars (\$2,750.00)**.

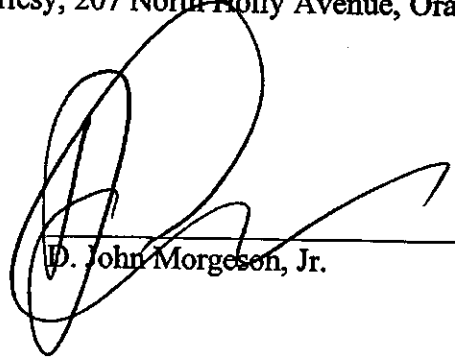
DATED this 4<sup>th</sup> day of December, 2008.

ORANGE CITY, FLORIDA  
CODE ENFORCEMENT  
SPECIAL MAGISTRATE

  
D. John Morgeson, Jr.  
P.O. Box 87  
Orlando, FL 32802  
FBN: 935905

I HEREBY CERTIFY that this 4<sup>th</sup> day of December 2008, a true and correct copy of this Recommendation of Lien Reduction has been furnished by certified and regular mail to Faith

Financial Corp., Attn.: John Holtsclaw, President, 610 N. 25<sup>th</sup> Avenue, St. Petersburg, Florida  
33704, and by regular mail to Sergeant Greg Laricsy, 207 North Holly Avenue, Orange City, FL  
32763.



D. John Morgeson, Jr.

**FAITH FINANCIAL CORPORATION**  
610 25th Avenue North  
St. Petersburg ,Florida 33704

Telephone:727-8968089

Fax:727-8217026

Date: October 25,2008

Orange City Police Department,Community Improvement Unit  
207 North Holly Avenue, Orange City,Fla.32763

Re:Code Enforcement Case Number 10-07-243  
Date of Compliance: April 16,2008  
Attention Sgt Gregory E Larisey

Dear Sgt.Larisey,

Thank you for your prompt responce to my letter of October 16,2008  
which I will answer in order of your request.

3.The owner of the property was Dream House Properties Inc.  
and Faith Financial Corp.was the mortgage holder.  
Dream House defaulted on the loan and we accepted a Deed in Lieu  
of Foreclosure.A title search was done and we discovered taxes  
due of \$3011.17 , which we paid on Oct.16th, and also the lien for  
\$2750.00 which we have not paid.The property has been cleaned  
up and we have employed a lawn service to keep it that way.

4. We were not notified of the original lack of compliance and all  
that followed.Had I known it would have been corrected immediatly.  
I assume that the notices were sent to Dream House and that they  
did not inform us.Dream House is out of business and recovery of  
this fine from them is impossible.

6.We are seeking forgivness or reduction of the fine.

7.Faith Financial Corp.is a small company with limited resources.  
The house on Daley Street needs some work to make it sellable or  
rentable.We are also dealing with another house that has gone

into default by Dream House with the similar situation.  
out intent is to restore both of these to be good houses in thier  
neighborhoods.

Your consideration would be appreciated.

*J. Holtsclaw*  
John J. Holtsclaw  
President

