

This Instrument Prepared by and Return to:

Terrill C. Pyburn, Esquire
City Attorney
City of Coconut Creek
4800 West Copans Road
Coconut Creek, FL 33063

CLAIM OF LIEN

PLEASE TAKE NOTICE that the undersigned municipality, City of Coconut Creek ("City"), whose mailing address is 4800 West Copans Road, Coconut Creek, FL 33063, according to Section 2-234 of the City's Code of Ordinances, and pursuant to Section 169.09, Florida Statutes, does hereby claim a lien for unpaid City code enforcement violation fines assessed against the following described real property located at 5390 NW 41st Way, Coconut Creek, Broward County, Florida 33073, owned by Thomas A. Cotton, a/k/a Thomas Cotton, legally described as:

Lot 95, Coral Pointe, a portion of Tract F, Winston Park Section Two-A, according to the plat thereof as recorded in Plat Book 138, Page 40, Public Records of Broward County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Tract F; thence South 89°37'07" West along the Southerly line of said Tract for 198.87 feet to the Point of Beginning; thence South 89°37'07" West for 50 feet; thence North 00°22'53" West for 65.00 feet; thence North 59°37'07" East for 50 feet; thence South 00°22'53 East for 65.00 feet to the Point of Beginning.

Property I.D. 4842 08 06 0950

Said lien is claimed due to the failure to pay fines pursuant to the Final Order in City of Coconut Creek Case No. C15-04-0479, attached hereto as Exhibit "A," and summarized as follows:

Code Enforcement Violation for failure to adhere to residential zoning restrictions, Section 13-333	\$13,000.00
Administrative Fee	\$ 25.00
Interest Charges as provided in Chapter 55 "Judgments," Florida Statutes	

TOTAL AMOUNT DUE	\$13,025.00
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NOTICE: Notice was provided by City to Thomas Cotton, pursuant to Section 162.12, Florida Statutes.

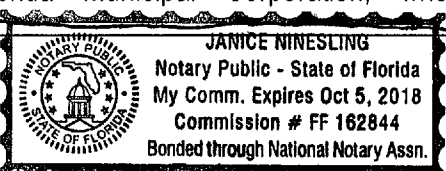
This Claim of Lien shall secure all the above unpaid code enforcement violation fines and fees, interest, late charges, costs, and attorney's fees which are due and which may accrue subsequent to the date of this Claim of Lien. Signed, Sealed and Delivered in Presence of:

(SEAL)

CITY OF COCONUT CREEK,
A Florida Municipal Corporation,
BY: Leslie Wallace May
Leslie Wallace May, MMC, City Clerk

STATE OF FLORIDA
COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 18th day of August, 2016, by Leslie Wallace May, City Clerk, and authorized agent of the CITY OF COCONUT CREEK, a Florida Municipal Corporation, who is personally known to me, ~~or who has produced as identification,~~ and who did not take an oath.


My Commission Expires: 10/05/2018

Janice Ninesling
NOTARY PUBLIC
(Printed, Typed, or Stamped Name)

TRUE COPY

**CITY OF COCONUT CREEK
4800 WEST COPANS ROAD, COCONUT CREEK, FL
SPECIAL MAGISTRATE HEARING**

CITY OF COCONUT CREEK, FL

Petitioner

vs.

IN RE:

DOCKET NO: **C15-04-0479**

THOMAS COTTON

5390 NW 41 WAY

COCONUT CREEK FL 33073-5028

Respondent

FINAL ORDER

**VIOLATION: *FAILURE TO ADHERE TO RESIDENTIAL ZONING RESTRICTIONS,
UNLAWFUL RENTAL OF ROOMS TO MULTIPLE TENANTS / CITY
CODE SEC. 13-333***

An administrative hearing was held before the undersigned Special Magistrate on July 22, 2015. Set out below are the Findings of Fact, Conclusions of Law and Final Order for the subject hearing.

FINDINGS OF FACT

The record indicates that the RESPONDENT owns real property within the City of Coconut Creek, Florida located at 5390 NW 41ST Way and more particularly described as follows:

Property Id: 484208060950

WINSTON PARK SECTION TWO-A 138-40 B A POR TR F DESC'D AS: COMM SE COR SAID TR F; W 198.67 TO POB; W 50, N 65, E 50, S 65 TO POB AKA: LOT 95 OF CORAL POINTE

At the hearing held on this matter, the PETITIONER City presented evidence consisting of document copies of court eviction proceeding concerning the subject property, Craigslist ads seeking tenants for the property and the testimony of a prior tenant who rented a room at the property. The City entered into the record evidence of having provided the RESPONDENT notice of these proceedings. The RESPONDENT was not present at the hearing and the sworn testimony of the City was not contested.

CONCLUSIONS OF LAW:

Accordingly, based on the testimony and evidence referenced above, the PETITIONER City has met its burden of proving by substantial competent evidence that the violation, as alleged in the Notice of Violation, does in fact exist on the subject property.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT GUILTY OF VIOLATING CITY CODE SEC. 13-333 AND THE RESPONDENT IS GIVEN UNTIL AUGUST 17, 2015 TO REMEDY THE VIOLATION OR FACE A PER DIEM FINE OF FIFTY DOLLARS (\$50.00) FOR EACH DAY THE RESPONDENT'S PROPERTY REMAINS IN VIOLATION BEYOND THE COMPLIANCE DATE. IN ADDITION, IF THE RESPONDENT FAILS TO CORRECT THE VIOLATION BY THE COMPLIANCE DATE, THE RESPONDENT SHALL BE ASSESSED TWENTY-FIVE (\$25.00) DOLLARS IN ADMINISTRATIVE COSTS.

THE RESPONDENT IS PUT ON NOTICE THAT IF THE RESPONDENT REPEATS THIS SAME VIOLATION WITHIN FIVE (5) YEARS OF THE DATE OF THIS ORDER, THE RESPONDENT SHALL BE TREATED AS A REPEAT VIOLATOR AND BE SUBJECT TO THE GREATER FINE AMOUNTS AUTHORIZED BY LAW IN THE INSTANCE OF A REPEAT VIOLATION.

DONE AND ORDERED THIS 28TH DAY OF JULY, 2015

CITY OF COCONUT CREEK, FLORIDA

Richard L. Doody

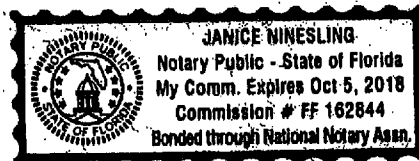
SPECIAL MAGISTRATE

Lanelda J. Gaskins
SPECIAL MAGISTRATE CLERK

**State of Florida
County of Broward**

I hereby certify that on this day before me, an officer duly qualified to take acknowledgements, personally appeared Richard L. Doody and Lanelda Gaskins, Special Magistrate and Clerk to the Special Magistrate respectively, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed same. Witness my hand and official seal in the County and State aforesaid this date: 28th day of July, 2015

Janice Ninesling
Notary Public, State of Florida





DEPARTMENT OF SUSTAINABLE DEVELOPMENT
CODE COMPLIANCE DIVISION
4800 WEST COPANS ROAD
COCONUT CREEK, FLORIDA 33063

AFFIDAVIT OF NON-COMPLIANCE

Summons/Case #C 15 04 0479

On July 22, 2015, Thomas Cotton was issued an Order of the Special Magistrate to comply with Chapter(s) 13-333 by August 17, 2015 for Summons to Appear #C15040479. At approximately 09.30 AM, on August 18, 2015, I, Winston Roberts was at the address of 5390 NW 41 Way and observed that the violation was not in compliance. Therefore, Thomas Cotton had not complied with the Order of the Special Magistrate.

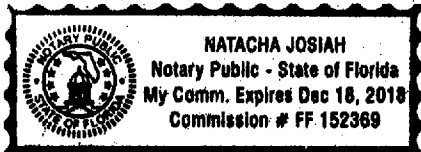
The fine amount will continue to accrue until the violation is corrected, and you notified the Code Compliance Division.

Signature of Code Compliance Officer

State of Florida
County of Broward

This instrument was acknowledged before me on this 18 day of August, 2015 by **Winston Roberts** who is personally known to me and who did not take an oath.

Signature of Notary



Printed or Stamped Name of Notary



DEPARTMENT OF SUSTAINABLE DEVELOPMENT
CODE COMPLIANCE DIVISION
4800 WEST COPANS ROAD
COCONUT CREEK, FLORIDA 33063

AFFIDAVIT OF COMPLIANCE

Summons/Case # C15 04 0479

On July 22, 2015 Thomas Cotton was issued an Order of the Special Magistrate to comply with Chapter(s) 13-333 by August 17, 2015 for Summons to Appear #C15040479. At approximately 07.00 AM, on May 04, 2016, I, Winston Roberts was at the violation location of 5390 NW 41 Way in the city of Coconut Creek, and observed that the violation was in compliance. Therefore, Thomas Cotton has complied with the Order of the Special Magistrate. The total fine amount owed as of May 04, 2016 is \$13,000.00, along with an administrative fee of \$25.00 for a total amount due of 13,025.00.

Signature of Code Compliance Officer

State of Florida
County of Broward

This instrument was acknowledged before me on this 4th day of MAY, 2016 by **Winston Roberts** who is personally known to me and who did not take an oath.

Signature of Notary



Printed or Stamped Name of Notary



SUMMONS TO APPEAR

State of Florida NO. C15040479
City of Coconut Creek
Sustainable Development - Code Compliance

The undersigned certifies that he/she has just and reasonable grounds to believe and does believe that on:
Day MONDAY Date JUNE 8, 2015

At 11.35 (AM) PM

Owner Name Cotton Thomas
Last First MI

Owner Address 5390 N.W. 41 Way
Coconut Creek Florida 33073-5028
City State Zip

Legal/Folio 484208060950

Violation Location 5390 N.W. 41 Way

Located in the City of Coconut Creek, Broward County, FL
committed the following violation, contrary to law:

Failure to adhere to residential
restrictions, rooms rented
out to multiple tenants.

In violation of Chapter(s) 13 Section(s) 333
Code of Ordinances of the City of Coconut Creek, Broward
County, Florida

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE
SPECIAL MAGISTRATE, CITY OF COCONUT CREEK,
FLORIDA ON WEDNESDAY, THE 27 DAY
OF JUNE, 2015, AT 2:30 PM IN THE
City of Coconut Creek Government Center

Commission Chambers
4800 West Copans Road
Coconut Creek, Florida 33063

**EXCEPT AS CHECKED BELOW, YOU HAVE THE RIGHT
TO EXERCISE EITHER OPTION AS STATED ON THE
REVERSE OF THIS NOTICE. THE FINE AMOUNT IS
\$. A FINE AMOUNT OF UP TO \$500 MAY BE
LEVIED FOR REPEAT VIOLATIONS AND/OR FOR EACH
DAY THE VIOLATION(S) CONTINUES.**

YOU OR A REPRESENTATIVE MUST APPEAR.

Winston Roberts 6/8/15 212
Officer Signature Date ID#

WINSTON ROBERTS
Printed Name

POSTED 6/8/15
Signature Acknowledging Receipt of this Notice Date

Printed Name 973-6746

If you have any questions, call 954-~~954-954~~
between 7AM-6PM Mon-Thurs.

Before the Special Magistrate in and for the
City of Coconut Creek, Broward County, Florida

SUMMONS TO APPEAR

State of Florida
City of Coconut Creek
Sustainable Development - Code Compliance

The undersigned certifies that he/she has just and reasonable grounds to believe and does believe herein:

At 11:35 AM PM on August 8, 2015

Owner Name Jeffrey Thomas MI

Last First MI

Owner Address 390 N.W. 41 Way MI

Coconut Creek Florida 33021 Zip

City State Zip

Legal Folio 4142 0806 0950

Violation Location 5370 NW 41 Way

Located in the City of Coconut Creek, Broward County, FL

committed the following violation, contrary to law:

Failure to adhere to residential

restrictions, rooms rented

out to multiple tenants.

In violation of Chapter(s) 13 Section(s) 723

Code(s) of Ordinances of the City of Coconut Creek, Broward

County, Florida

YOU ARE HEREBY SUMMONED TO APPEAR BEFORE THE

SPECIAL MAGISTRATE, CITY OF COCONUT CREEK,

BROWARD COUNTY, FLORIDA, ON THE 27 DAY

OF August, 2015 AT 2:15 PM IN THE

City of Coconut Creek Government Center

Commission Chambers

4800 West Copans Road

Coconut Creek, Florida 33063

EXCEPT AS CHECKED BELOW, YOU HAVE THE RIGHT

TO EXERCISE EITHER OPTION AS STATED ON THE

REVERSE OF THIS NOTICE. THE FINE AMOUNT IS

\$ _____ A FINE AMOUNT OF UP TO \$500 MAY BE

LEVIED FOR REPEAT VIOLATIONS AND/OR FOR EACH

DAY THE VIOLATION(S) CONTINUES.

IF YOU OR REPRESENTATIVE MUST APPEAR.

Official Signature Justin Roberts Date 8/15 ID# 212

Printed Name Justin Roberts Title 6815

Signature Acknowledging Receipt of this Notice

Printed Name Justin Roberts Title 6815

If you have any questions, call 954-973-5746

between 7AM-6PM Mon-Fri.

City of Coconut Creek

171117-0100

2015 6 8



AFFIDAVIT OF POSTING

Summons/Case #C 15 04 0479

On **June 08, 2015** at approximately **11:35 AM** I, **Winston Roberts** was at the violation location of 5390 NW 41 Way owned by Thomas Cotton located in the City of Coconut Creek. Finding no one present, I posted the Summons to Appear #C15040479 on the front door and took a photo of the Summons to Appear as posted.

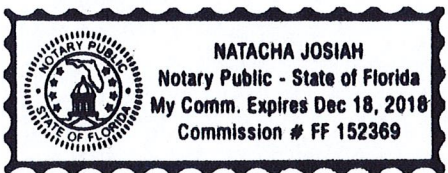
Additionally, I gave a copy to the City of Coconut Creek City Clerk's Office on **June 08, 2015** to post at the entrance to City Hall located at 4800 W. Copans Road in Coconut Creek, FL.

Signature of Code Compliance Officer

State of Florida
County of Broward

This instrument was acknowledged before me on this 8 day of June, 2015 by **Winston Roberts** who is personally known to me and who did not take an oath.

Signature of Notary



Printed or Stamped Name of Notary



VIA CERTIFIED MAIL 7014 2870 001 2811 9735

September 15, 2015

Thomas Cotton
5390 NW 41 Way
Coconut Creek, FL 33073

RE: 5390 NW 41 Way, Coconut Creek, FL
Property ID #4842 08 06 0950
Code Enforcement Case No. C15-040479

Dear Sir or Madam:

You are hereby notified that the above-referenced code enforcement case, which was adjudicated by the Special Magistrate at a hearing on July 22, 2015, resulted in the issuance of a Final Order that included the imposition of fine. A copy of the Final Order is attached. As a result, there exists an outstanding code enforcement fine against the property located 5390 NW 41 Way, Coconut Creek, Florida.

An Affidavit of Non-Compliance, dated August 18, 2015, a copy of which is attached, has been filed with the City of Coconut Creek by the Code Officer, which Affidavit certifies under oath that the corrective action or fine imposed by the Special Magistrate has not been satisfied.

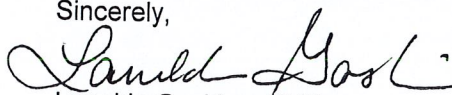
Should you wish to challenge the imposition of the fine or the amount of the fine, you may request a hearing before the Special Magistrate. Your written request shall be mailed or hand delivered within 20 days (an additional five (5) days shall be granted if mailed rather than hand delivered) from the date of this notice to:

City Clerk's Office
Coconut Creek Government Center
4800 West Copans Road
Coconut Creek, Florida 33063

Any hearing hereunder shall occur as soon as practical and shall be limited to consideration of findings necessary to impose a fine and create a lien. If a request for a hearing is not timely received by the City Clerk's Office, the code enforcement order and resulting fine shall constitute a lien against the above-referenced property.

If a hearing is requested, you shall be notified of the date, time, and place via U.S. mail.

Sincerely,


Lanelda Gaskins, CMC
Deputy City Clerk

Enclosures

cc: Glenn Sime, Code Compliance Supv.



Site Address	5390 NW 41 WAY, COCONUT CREEK	ID #	4842 08 06 0950
Property Owner	COTTON, THOMAS	Millage	3212
Mailing Address	5390 NW 41 WAY COCONUT CREEK FL 33073-5028	Use	01

Abbreviated Legal Description	WINSTON PARK SECTION TWO-A 138-40 B A POR TR F DESC'D AS: COMM SE COR SAID TR F; W 198.67 TO POB; W 50, N 65, E 50, S 65 TO POB AKA: LOT 95 OF CORAL POINTE
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The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2014 Exemptions and Taxable Values as reflected on the Nov. 1, 2014 tax bill.					
Year	Land	Building	Just / Market Value	Assessed / SOH Value	Tax
2015	\$32,500	\$231,480	\$263,980	\$263,980	
2014	\$32,500	\$172,990	\$205,490	\$205,490	\$3,641.16
2013	\$32,500	\$179,260	\$211,760	\$209,130	\$4,059.78

IMPORTANT: The 2015 values currently shown are "roll over" values from 2014. These numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2015, to see the actual proposed 2015 assessments and portability values.

2015 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$263,980	\$263,980	\$263,980	\$263,980
Portability	0	0	0	0
Assessed/SOH	\$263,980	\$263,980	\$263,980	\$263,980
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$263,980	\$263,980	\$263,980	\$263,980

Sales History			
Date	Type	Price	Book/Page or CIN
9/25/2009	QCD-T	\$100	46703 / 1638
11/29/1999	WD	\$150,000	30067 / 808
6/1/1994	SWD	\$140,900	22260 / 165

Land Calculations		
Price	Factor	Type
\$10.00	3,250	SF
Adj. Bldg. S.F. (Card, Sketch)		2321
Units		1

Special Assessments								
Fire	Garb	Light	Drain	Impr	Safe	Storm	Clean	Misc
32	Z		CM					