

MARTIN COUNTY, FLORIDA
CODE ENFORCEMENT MAGISTRATE
CASE NO. 98-05249

MARTIN COUNTY, FLORIDA,
Petitioner,

vs.

POTTS, ROBERT C & CLARESSA Y
Respondents.

PCN 29-37-41-000-000-00270-8

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

The Petitioner and Current Owner hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on June 20, 2018, and having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. This Fine Reduction Stipulation and Agreed Recommended Order involves a parcel located at 251 NW Baker Road, Stuart, Martin County, Florida and further described as:

BEG NW COR OF SE ¼ OF SE ¼ OF SE ¼, S 390', E233' FOR POB THENCE N 100', W50', S 100' & E50' TO POB

2. On November 9, 1998, an Order was issued by the Code Enforcement Board to Robert C & Claressa Y Potts, for a violation of Section 12-70 (B). Nuisance Declared: Trash and 19-14, Junk of the Martin County Code of Laws and Ordinances. Compliance was required by December 11, 1998 and a fine in the amount of \$3,350.00 was issued due to the property not being placed into compliance on time. On July 9, 2001 and Order Imposing Administrative Fine/ Lien for Repeat Violation was issued. An a fine in the amount of \$21,350.00 was issued to the property owner at that time. On February 3, 2006 an unsafe letter was issued to the property owner and the property was demoed by Martin County. A Notice of Claim of Lien was issued September 6, 2006 in the amount of \$3,950.14 for the demolition of the structure on the property.

3. Gordon Mularski is the Current Owners of the property. Pursuant to a Quick Claim Deed recorded in Official Records Book 2902, Page 2438, Martin County, Florida Public Records, Respondent has no remaining interest in the property.

4. Staff has determined that a lien reduction is warranted. The Current Owner was not responsible for the violation, and has offered to pay \$350.00 to resolve the outstanding fine which has accrued. Also staff has taken into consideration the fact the current owner has paid the outstanding demolition line in the amount of \$3,950.14 plus all back taxes in the amount of \$2,866.10, plus the cost of the purchase of the property in the amount of \$2,250.00. In addition, staff has considered the \$8,100.00 assessed value of the property.

5. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily and are under no duress to execute it.

**CURRENT OWNERS:
GORDON MULARSKI**

PETITIONER: MARTIN COUNTY, FLORIDA




**RACHEL SPRADLEY
NUISANCE ABATEMENT COODINATOR**

Date: 6/20/18

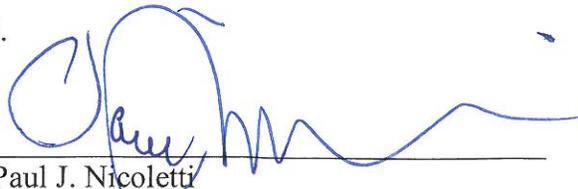
Date: 6/20/18

AGREED RECOMMENDED ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES SET FORTH ABOVE, IT IS HEREBY RECOMMENDED TO THE BOARD OF COUNTY COMMISSIONERS, as follows:

Given that Gordon Mularski has offered payment in the total amount of \$350.00 and Staff's determination that a reduction in the lien amount from \$24,700.00 is warranted, Gordon Mularski, should be ordered to pay the amount of \$350.00 within thirty (30) days of Board of County Commissioners' approval. In the event said amount is not paid within thirty (30) days, the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 20th day of June, 2018.


**Paul J. Nicoletti
Code Enforcement Magistrate**