

**MARTIN COUNTY, FLORIDA
CODE ENFORCEMENT MAGISTRATE
CASE NO. 15-0097167**

**MARTIN COUNTY, FLORIDA,
Petitioner,
vs.**

**CULBERSON DAVID F
Respondent(s),**

PCN 403841008000022603

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

The Petitioner and Respondent hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on May 16, 2022, 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 32 SE TAHO TERR, STUART, FL 34997, Martin County, Florida and further described as:
2. On January 28, 2016, an Order Finding Violation was issued by the Code Enforcement Magistrate to CULBERSON DAVID F, for the following violation(s):
 - Section 21.106 - Enclosures General Ordinances, Martin County Code.
 - Section 21.105 - Swimming Pools General Ordinances, Martin County Code.
 - Section 67.201.A- Nuisance Declared: Weeds, Undergrowth


Compliance was required by February 5, 2016 for the damaged Pool Enclosure and on February 29, 2016 for the Overgrowth and Unsanitary Pool. On May 17, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$ 380,800.00 plus costs in the amount of \$575.00.

1. Staff had offered to reduce the lien amount to \$16,430.00, representing ten percent of the value of the property; however, the Magistrate ruled that \$5,000.00 is appropriate to settle the outstanding fines in this case.
2. 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.

RESPONDENT:

PETITIONER: MARTIN COUNTY, FLORIDA


David Culberson


Rachel Spradley
Nuisance Abatement Coordinator

Date: 5-17-22


Date: 5-17-22

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 CULBERSON DAVID F has offered payment in the total amount of \$5,000.00 and the Magistrates determination that a reduction in the lien amount from \$387,275.00 is warranted, DAVID F CULBERSON , should be ordered to pay the amount of \$5,000.00 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 16th of May, 2022.


Paul J. Nicoletti
Code Enforcement Magistrate

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