

**MARTIN COUNTY, FLORIDA  
CODE ENFORCEMENT MAGISTRATE  
CASE NOS. 11-0050384, 16-0101104 & ENF2018100201**

**MARTIN COUNTY, FLORIDA,**  
**Petitioner,**

**vs.**

**WILLIAM HALL POWER JR**  
**Respondent(s),**

PCN 153741009000001102

**FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER**

The Petitioner Martin County, Florida ("Martin County," or the "County", Respondent William Hall Power, Jr. and Hi-Land Properties, LLC (the "Prospective Purchaser"), hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 16, 2020, 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 4156 NE HYLINE DR, JENSEN BEACH, FL 34957, Martin County, Florida ( hereinafter the "Property") and further described as:

**Lot 11, Skyline Gardens, as per map or survey by D.P. Deberry, and dated May, 1970, a copy of which is recorded in official record book 326, page 2369, and being a part of lot 6, Gaines Estate, as recorded in plat book 1, page 90, Martin County, Florida public records, that lies south of Skyline Park second addition as per plat thereof recorded in plat book 3, page 109, Martin County, Florida, public records.**

2. Hi-Land Properties, LLC has entered into a contract of sale with the Respondent to purchase the Property and the closing is pending.
3. The Property is or has been the subject of three code violation cases: numbers 11-0050384, 16-0101104 and ENF2018100201, and a proceeding in County Court in and for Martin County (the "County Court".

In reference to Case No. 11-0050384, on May 16, 2012, a Stipulation and Agreed Final Order was issued by the Code Enforcement Magistrate to WILLIAM HALL POWER JR, for the following violation(s):

- Section 67.201.B - Nuisance Declared: Trash, Etc. General Ordinances, Martin County Code.
- Section 105.1 Florida Building Code (FBC)- Required, as incorporated by Section 21.1, General Ordinances, Martin County Code.

Compliance was required by August 16, 2012. Compliance was not achieved, and on November 9, 2018, an Affidavit of Transition & Accrued Fines and Costs in case 11-0050384 was issued reflecting an outstanding fine of \$409,100.00.

In reference to Case No. 16-0101104, on November 16<sup>th</sup>, 2016, an Order to Abate Nuisance was issued by the Code Enforcement Magistrate for the following violation(s):

- Section 67.201.A. - Nuisance Declared: Weeds, Undergrowth General Ordinances, Martin County Code.
- Section 67.201.B - Nuisance Declared: Trash, Etc. General Ordinances, Martin County Code.

Compliance was required within 15 days. On August 24, 2017 and Affidavit of Compliance was recorded.

Because compliance was not achieved Case Number 11-0050384 was transitioned into a Condemnation proceeding under Case Number ENF2018100201. A Notice of Condemnation was posted on the property on September 24, 2018. On October 15, 2018 a Notice of Violation in Case Number ENF2018100201 was issued to William Hall Power Jr., for the following code sections:

Section 21.5.E.1- Unsafe Buildings or Systems, General Ordinances, Martin County Code

Section 21.111 Protective Treatment, General Ordinances, Martin County Code

Section 21.95- Sanitation- General Ordinances, Martin County Code

Section 21.76- Vacant/ Abandoned Structures, General Ordinances, Martin County Code

Section 67.201.B- Nuisance Declared; Trash, Etc. , General Ordinances, Martin County Code

Section 67.201.A- Nuisance Declared: Weeds, Undergrowth, General Ordinances, Martin County Code

Compliance was required by the issued Notice of Violation on or before December 14, 2018. Compliance was not achieved.

4. On June 2, 2020, Martin County filed suit in the County Court against William Hall Power Jr. under case number 20-768CC, based on Case Number ENF2018100201, alleging three counts of violations of County Ordinances: Count I for unpermitted alterations to structure, Count II

for unsafe structure, and County III for nuisance declared: weeds, trash and undergrowth. The County's prayer for relief includes an Order authorizing Martin County to demolish and remove the unsafe structure and abate the nuisances. On July 31, 2020, a Notice of Appearance in this matter on behalf of William Hall Power Jr. was filed by the Law Office of Alexander E. Borell, P.A.

5. Staff has determined that a lien reduction is warranted in view of the Prospective Purchaser's offer to:

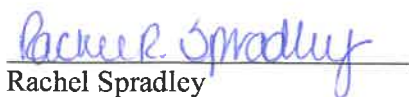
- a. Within 30 days of approval of the fine reduction request by the Board of County Commissioners, pay \$20,995.00 to resolve the outstanding fines and costs which have accrued.
- b. Within one hundred and twenty (120) days of the approval of the fine reduction request by the Board of County Commissioners, correct the violations of Section 67.201.A and Section 67.201.B, General Ordinances, Martin County Code existing on the property, and complete the repair of all structural damages to the single family residence in full compliance with the Florida Building Code and the Martin County Property Maintenance Code, including but not limited to all permitting and inspection requirements.
- c. Respondent and Hi-Land Properties, LLC expressly acknowledge that if the payment set forth in Paragraph 7(a), and/or the repairs, improvements and corrections set forth in Paragraph 7(b) are not completed within the times specified herein, the County will demolish and remove the structure, and the property owner of record at that time will be liable to the County for the costs of such demolition, and if not paid within thirty days such costs shall constitute a lien payable to Martin County.
- d. William Hall Power Jr. expressly acknowledges that he has made the Law Office of Alexander E. Borell, P.A. aware of this Stipulation.
- e. Upon furnishing the County a copy of a recorded deed transferring ownership of the property from the Respondent to Hi-Land Properties, LLC., the County will dismiss its case number 20-768CC against William Hall Power Jr.
- f. Time is of the essence as to any deadline for compliance as set forth in this agreed order.

6. 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.

**HI-LAND PROPERTIES, LLC**

**PETITIONER: MARTIN COUNTY, FLORIDA**

  
By: Donald L. Cameron  
Manger

  
Rachel Spradley  
Nuisance Abatement Coordinator

Date: 8/25/2020

Date: 8/26/2020

  
William Hall Power, Jr.

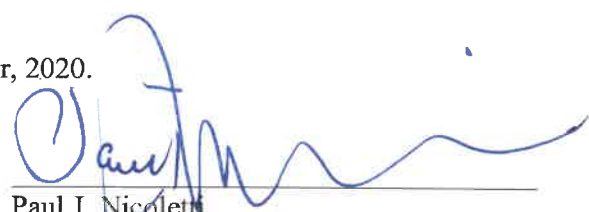
Date: 8/25/20

**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 Hi-Land properties, LLC. has offered payment in the total amount of \$20,995.00 and Staff's determination that a reduction in the lien amount from \$409,100.00 is warranted, Hi-Land Properties, LLC. , should be ordered to pay the amount of \$20,995.00 within thirty (30) days of Board of County Commissioners' approval in order to resolve the outstanding fines and costs which have accrued, and be further Ordered to complete the repairs and corrections as specified in Paragraph 7(b) herein. In the event said amount is not paid within thirty (30) days, or the repairs and corrections are not completed as specified in Paragraph 7(b) the fine should revert to the accrued amount prior to the reduction.

DONE AND ORDERED this 16<sup>th</sup> day of September, 2020.

  
Paul J. Nicoletti  
Code Enforcement Magistrate