

the current Trustee of the
MARTIN COUNTY, FLORIDA
CODE ENFORCEMENT MAGISTRATE
CASE NO. 16-0109934

MARTIN COUNTY, FLORIDA,
Petitioner,
vs.

REID, PHILIP H JR (TR)
CLAIR, FRANK P (TR) OF THE
TRUST CREATED UNDER THE WILL OF FRANCIS J
CLAIR

Respondent(s),

PCN 373841007078002405

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

The Petitioner and the current Trustee of the Respondents hereby freely stipulate and agree to the following:

THIS MATTER having come before the Magistrate on September 15, 2021, 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 3353 SE ELLENDALE ST., STUART, Martin County, Florida and further described as:

Lot 24, Block 78, GOLDEN GATE SUBDIVISION, as recorded in Plat Book 11-P, Page 41, of the Public Records of Martin County, Florida.

2. On April 19, 2017, an Order Finding Repeat Violation was issued by the Code Enforcement Magistrate to PHILIP H REID JR (TR) AND FRANK P CLARK (TR) of the TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, for the following violation(s):

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

Compliance was required by November 21, 2016. On May 3, 2021, an Affidavit of Compliance/Accrued Fines was issued reflecting an outstanding fine of \$324,400.00 plus costs in the amount of \$ 575.00.

3. Staff has determined that a lien reduction is warranted. The Respondent's new trustees for the property was not responsible for the violation; however the trustee has offered to pay \$2,575.00 to resolve the outstanding fines which have accrued, which represents 10% of the total property value.

FINE REDUCTION STIPULATION AND AGREED RECOMMENDED ORDER

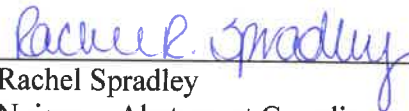
4. The parties represent, under penalty of perjury that that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; and that they are signing this agreement freely and voluntarily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

RESPONDENTS:



**SHELBY BIRNBAUM
TRUSTEE**

PETITIONER: MARTIN COUNTY, FLORIDA



**Rachel Spradley
Nuisance Abatement Coordinator**

Date:

9/3/21

Date:

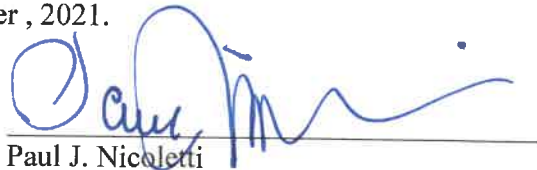
9-9-2021

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 SHELBY BIRNMAUM, AS TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR has offered payment in the total amount of \$2,575.00 and Staff's determination that a reduction in the lien amount from \$324,975.00 is warranted, SHELBY BIRNMAUM, AS TRUSTEE OF THE TRUST CREATED UNDER THE WILL OF FRANCIS J CLAIR, should be ordered to pay the amount of \$2,575.00 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 15TH day of September, 2021.



**Paul J. Nicoletti
Code Enforcement Magistrate**