



Legislation Details (With Text)

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| File #: | 21-0792 | Status: | Agenda Ready |
| Type: | Consent | In control: | Board of County Commissioners |
| On agenda: | 6/8/2021 | Final action: | |
| Title: | REQUEST BY JUDY ERVIN TO RELEASE UNITIES OF TITLE | | |
| Sponsors: | | | |
| Indexes: | | | |
| Code sections: | | | |
| Attachments: | 1. 3567043-Ervin Property - Letter to County re. Release of Unities.PDF, 2. FW Unities of Title at 420 Krueger Parkway email, 3. Resolution_UnityofTitleRelease.Ervin.pdf | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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PLACEMENT: Consent

TITLE:

REQUEST BY JUDY ERVIN TO RELEASE UNITIES OF TITLE

EXECUTIVE SUMMARY:

Judy Ervin, the owner of property located at 420 Krueger Way, Stuart, within the City of Stuart, requests the release of four unities of title that were mistakenly recorded using Martin County Unity of Title forms.

DEPARTMENT: County Attorney

PREPARED BY: **Name:** Krista A. Storey
Title: Senior Assistant County Attorney

REQUESTED BY: Christin Spake, Esquire on behalf of Judy Ervin

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

Judy Ervin and her husband, Bruce, now deceased, have owned the property located at 420 Krueger Way since 1973. The property is further described as Lots 2, 8 and 9, Block 2, Krueger Estates Subdivision. Although the property is located within the city of Stuart, in 2007, the Ervins recorded four separate unities of title utilizing the Martin County Unity of Title form. (Copies attached.) Pursuant to the attached April 8, 2021 email from attorney Christin Spake, the Ervins mistakenly believed the unities of title would result in all three lots being considered as part of their homestead.

Ms. Ervin is attempting to sell her property and the unities of title have created a cloud on the title. Although the property is not within unincorporated Martin County, the recordation of a Martin County Unity of Title encumbers the property until such time as the unity of title is released in writing by the Board of County Commissioners. Accordingly, the attached resolution releasing the unities of title has been drafted for the Board's consideration.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

This item has been reviewed for legal sufficiency to determine whether it is consistent with applicable law, has identified and addressed legal risks, and has developed strategies for legal defensibility.

RECOMMENDED ACTION:

RECOMMENDATION

Move that the Board approve the Resolution releasing the four referenced unities of title.

ALTERNATIVE RECOMMENDATIONS

Pull this item from the Consent Agenda and direct staff accordingly.

FISCAL IMPACT:

RECOMMENDATION

None

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- | | | |
|--|--|---|
| <input type="checkbox"/> Budget Transfer / Amendment | <input type="checkbox"/> Chair Letter | <input type="checkbox"/> Contract / Agreement |
| <input type="checkbox"/> Grant / Application | <input type="checkbox"/> Notice | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Other: | <input checked="" type="checkbox"/> Resolution | |

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