

LEGISLATIVE #

110294

*Samuel A. Mutch, P.A.*

*Attorneys & Counselors at Law*  
2114 NW Fortieth Terrace, Suite A-1  
Gainesville, Florida 32605

*Samuel A. Mutch*  
*Sabina Tomshinsky*  
*Robert T. Schulte*

August 2, 2011

Mr. Fred Murry  
Assistant City Manager  
City of Gainesville  
P O BOX 490 STATION 6  
GAINESVILLE FLORIDA 32602-0490

RE: Tom Fox Property in Porter's Neighborhood

Dear Mr. Murry:

It was very good to make your acquaintance over the telephone this morning. I appreciate the rapid response to my request for assistance.

Last Thursday, Mr. Richardson of University Title was doing a new title search on the property located at 612 SW 5<sup>th</sup> Terrace, Gainesville, Alachua County, Florida 32601 with the legal description of:

PORTERS ADD PB A-54 E 69 FT OF LOT 48  
OR 2162/1426 SECTION 05 TOWNSHIP 10  
SOUTH RANGE 20 EAST, ALACHUA  
COUNTY, FLORIDA

Mr. Fox is building his "cargo container" home on the site for which we obtained quiet title in 2010. In our title search in 2010 Colson Title failed to identify two code enforcement board liens attached to the property. I will have these two liens delivered to you by Tom Fox. (They are also attached to this e-mail.)

The liens are for both fines and work done to clean-up hazardous lands.



This property was unproductive for at least fifteen years and it was not until Mr. Fox purchased the tax deeds in 2008 was there any hope of recovery of the property. Prior to 2008 the house was a "crack house," used for prostitution and other crimes.

Since obtaining the quiet title Mr. Fox has put approximately \$180,000 in the construction of the house. This will be a LEED Platinum home (only the second built in Alachua County) which is already an example for the use of international cargo containers as pre-fab building materials throughout Florida.

I understand other communities are calling the city building department as how to apply the existing building code to this type of construction. Doug Murdock of the city building department has been very helpful in assisting the architect, Steven Bender, AIA, and Tom Fox to proceed with the construction of this home. You may wish to see the house at [www.mwbender.com](http://www.mwbender.com).

Tom Fox will ask the city commission to forgive the fines of \$315.00 and \$3,256.00 and which are now perfected as liens on the real property. These two code enforcement liens were missed by the title search done by a local title insurance company last year. There was no fault on the part of Mr. Fox concerning these two liens.

The home should be completed shortly after September. It will be on the tax rolls as a new home in the Porter's Neighborhood for 2011 tax year.

This home is not only a new design but is an attraction for the neighbors in Porter's Neighborhood.

Sincerely,

*Samuel A. Mutch*

Samuel A. Mutch, AICP

Cc: Mike Borden, CCBG

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2181152 3 PGS  
2005 OCT 13 04:14 PM BK 3238 PG 915  
J. K. "BUDDY" IRBY  
CLERK OF CIRCUIT COURT  
ALACHUA COUNTY, FLORIDA  
CLERK13 Receipt#256809

Prepared by and return to:  
James L Garrett Sr.  
Code Enforcement Division  
City of Gainesville  
P.O. Box 490, Sta. 10-A  
Gainesville, Florida 32602



## **CLAIM OF LIEN**

State of Florida  
County of Alachua

BEFORE ME, the undersigned authority, personally appeared James L Garrett Sr., who, being duly sworn, says:

1. That he is the Code Enforcement Manager for the City of Gainesville, a Florida municipal corporation (hereinafter referred to as the "City"), having an address of P.O. Box 490, Sta. 10-A, Gainesville, Florida 32602.

2. That to the best of his knowledge and belief, **KINSEY RUTH S HEIRS C/O WILLIE KINSEY**, of **612 SW 5 TERRACE GAINESVILLE FL 32601** (hereinafter referred to as the "Owner"), is/are the record owner(s) of the following described real property located in Gainesville, Alachua County, Florida, (hereinafter referred to as the "Property").

**Tax Parcel: 13377-000-000**

**Location: 612 SW 5 TERR**

### ***LEGAL DESCRIPTION***

***PORTERS ADD PB A-54 E 69 FT OF LOT 48 OR 2162/1426***

3. That, on **June 19, 2003**, Code Enforcement found and determined that **hazardous lands** existed on the Property as defined in Section 16-17, City of Gainesville Code of Ordinances, and that the property was in violation of Section 16-19, City of Gainesville Code of Ordinances.

4. That, pursuant to Section 16-26, City of Gainesville Code of Ordinances, a written Notice of Violation was served by delivery and/or posting and mailed via United States Certified Mail to the Owner on **June 19, 2003**.

5. That the Owner of the Property failed to remedy the **hazardous land** violation by the time stated in the Notice of Violation and failed to file an appeal with the Appeals Board.

6. That on **September 17, 2003**, the hazardous lands were cleared by the City and the City incurred expenses for the clearing, which expenses are the financial responsibility of the Owner of the Property.

7. That on April 1, 2004, and pursuant to Sec. 16-29, Gainesville Code of Ordinances, a bill for the expenses incurred by the City for clearing was transmitted to the Owner. On January 21, 2005 after the expiration of a period of at least 90 days, the Owner was notified of the intention to record a lien against the Property by advertisement in the Gainesville Sun.

8. That the Owner has failed to pay the amount due within five days of service of the date of delivery of the notice of lien.

9. That the City of Gainesville claims a lien against the above-described Property for the sum of \$3,256.00.

CITY OF GAINESVILLE

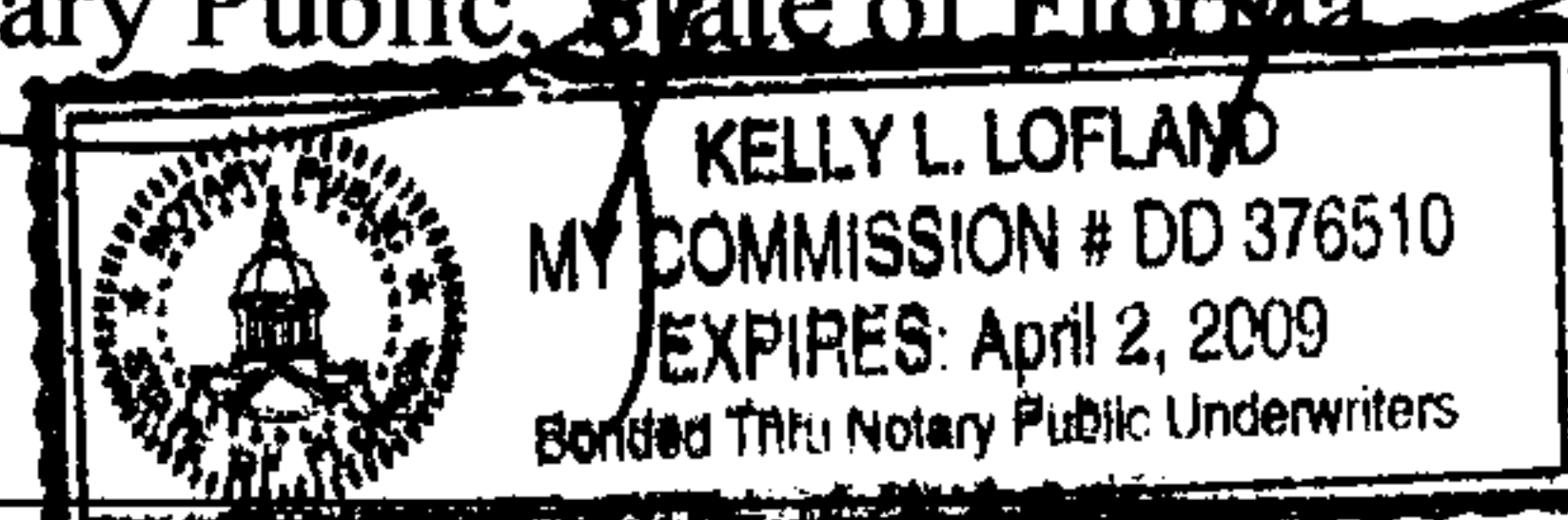
By: [Signature]  
James L Garrett Sr  
Code Enforcement Manager

STATE OF FLORIDA  
COUNTY OF ALACHUA

October, 205, by James L Garrett Sr., who: 13 day of

☐ did take an oath  
☐ did not take an oath  
☒ is personally known to me  
☐ produced a current Florida Driver's License # \_\_\_\_\_  
☐ as identification  
☐ produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public, State of Florida



Printed Name of Notary  
Commission Number and Expiration

INSTRUMENT # 2181152  
3 PGS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. certified mail KINSEY RUTH S HEIRS C/O WILLIE KINSEY, of 612 SW 5 TERRACE GAINESVILLE FL 32601 this 13 day of Oct 2005.

  
JAMES L GARRETT SR.,  
CODE ENFORCMENT MANAGER



RECORDED IN OFFICIAL RECORDS  
 INSTRUMENT # 2284492 3 PGS  
 2006 OCT 17 02:04 PM BK 3481 PG 55  
 J. K. "BUDDY" IRBY  
 CLERK OF CIRCUIT COURT  
 ALACHUA COUNTY, FLORIDA  
 CLERK10 Receipt#304477

Prepared by and return to:  
 James L Garrett Sr.  
 Code Enforcement Division  
 City of Gainesville  
 P.O. Box 490, Sta. 10-A  
 Gainesville, Florida 32602



## **CLAIM OF LIEN**

State of Florida  
 County of Alachua

BEFORE ME, the undersigned authority, personally appeared James L Garrett Sr., who, being duly sworn, says:

1. That he is the Code Enforcement Manager for the City of Gainesville, a Florida municipal corporation (hereinafter referred to as the "City"), having an address of P.O. Box 490, Sta. 10-A, Gainesville, Florida 32602.

2. That to the best of his knowledge and belief, **RUTH S KINSEY HEIRS C/O WILLIE KINSEY**, of **612 SW 5 TERRACE GAINESVILLE FL 323601** (hereinafter referred to as the "Owner"), is/are the record owner(s) of the following described real property located in Gainesville, Alachua County, Florida, (hereinafter referred to as the "Property").

**Tax Parcel: 13377-000-000**

**Location: 612 SW 5 TERR**

### ***LEGAL DESCRIPTION***

***PORTERS ADD PB A-54 E 69 FT OF LOT 48 OR 2162/1426***

3. That, on **February 3, 2005**, Code Enforcement found and determined that **hazardous lands** existed on the Property as defined in Section 16-17, City of Gainesville Code of Ordinances, and that the property was in violation of Section 16-19, City of Gainesville Code of Ordinances.

4. That, pursuant to Section 16-26, City of Gainesville Code of Ordinances, a written Notice of Violation was served by delivery and/or posting and mailed via United States Certified Mail to the Owner on **February 22, 2005**.

5. That the Owner of the Property failed to remedy the **hazardous land** violation by the time stated in the Notice of Violation and failed to file an appeal with the Appeals Board.

6. That on **June 20, 2005**, the hazardous lands were cleared by the City and the City incurred expenses for the clearing, which expenses are the financial responsibility of the Owner of the Property.

7. That on August 19, 2005, and pursuant to Sec. 16-29, Gainesville Code of Ordinances, a bill for the expenses incurred by the City for clearing was transmitted to the Owner. On March 29, 2006 after the expiration of a period of at least 90 days, the Owner was notified of the intention to record a lien against the Property by advertisement in the Gainesville Sun.

8. That the Owner has failed to pay the amount due within five days of service of the date of delivery of the notice of lien.

9. That the City of Gainesville claims a lien against the above-described Property for the sum of \$315.00

CITY OF GAINESVILLE


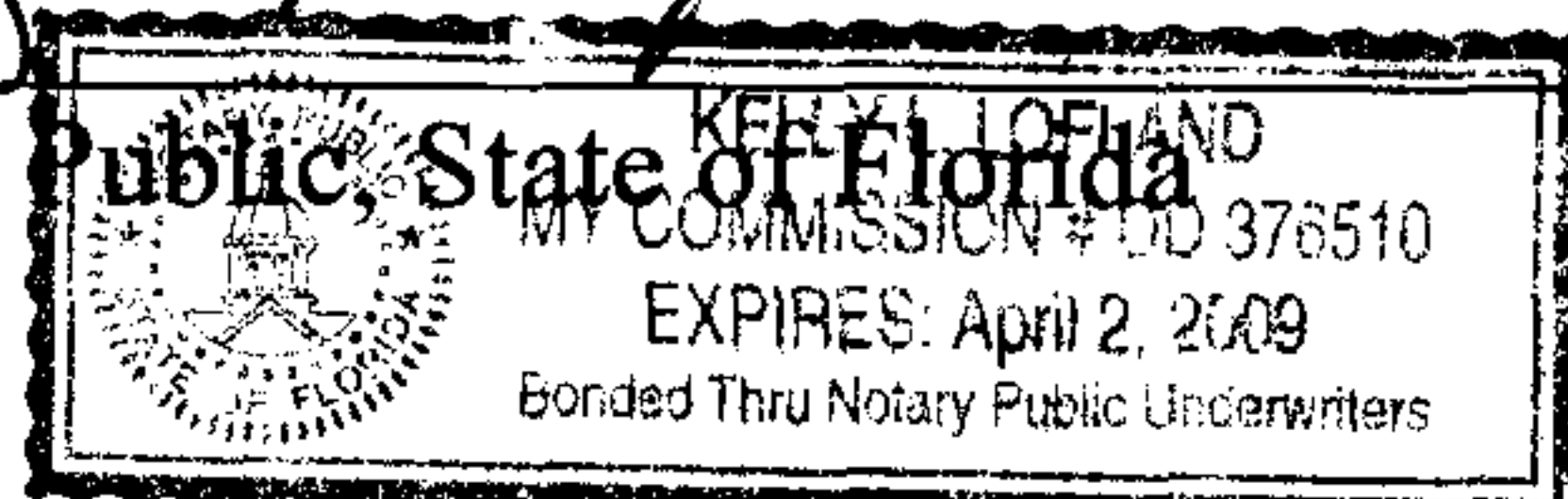
By: 

James L. Garrett Sr.  
Code Enforcement Manager

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing Claim of Lien was acknowledged before me on this 16 day of October, 2006, by James L. Garrett Sr., who:

☐ did take an oath  
☐ did not take an oath  
☒ is personally known to me  
☐ produced a current Florida Driver's License # \_\_\_\_\_  
as identification  
☐ produced \_\_\_\_\_ as identification.

  
Notary Public, State of Florida  


Printed Name of Notary  
Commission Number and Expiration



INSTRUMENT # 2284492  
3 PGS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent by U.S. certified mail to Ruth S Kinsey Heirs c/o Willie Kinsey at 1605 NE 12 AVE Gainesville FL 32601, this 16 day of Oct 2006.

  
JAMES L GARRETT SR.,  
CODE ENFORCEMENT MANAGER