

MEMORANDUM

DATE: June 18, 2024

TO: Tricia Johnson, Deputy County Manager

THRU: Rebecca Hammock, Director of Development Services
Dale Hall, Planning and Development Manager

FROM: Alexis Brignoni, Clerk to the Code Enforcement Board Office

SUBJECT: Request for Reduction of Lien
Applicant Name: Joshua L Moses, The Estate of Chester Vander Pyl III
Case # 20-18-CEB

Please find attached the Request for Reduction of Lien for your review, as well as a copy of the history of the case. The lien totals \$57,800.00 in this case. The applicant is requesting a reduction of the lien to \$5,000.00.

Staff has determined that this application meets the requirements to proceed with the Request for Reduction of Lien of property located at Leonard Street, Altamonte Springs, FL 32701. An Affidavit of Compliance was filed by the Code Enforcement Officer as of April 22, 2024.

Please review the information and issue a determination of approval or denial on this form. Pursuant to Administrative Code Section 3.20, your decision regarding approval or denial shall be based on whether the request fails any one of the established guidelines listed below:

- (1) If a property owner has purchased property on which a lien was recorded, a waiver or reduction on lien shall not be granted, in such cases, the lien should have been considered in reaching a purchase price.
- FAILS
 DOES NOT FAIL

Staff Findings: According to the Applicant, Mr. Joshua Moses, he is the executor of the estate of Chester Vander Pyl III. The Applicant, as the executor, sold the property with the contractual requirement for the estate to satisfy the lien from the sale proceeds. Mr. Moses is making this request on behalf of the estate in an effort to fulfill this obligation.

(2) If the title insurance policy is issued upon the purchase of the property and the title insurance failed to identify or consider the lien, a waiver or reduction in lien shall not be granted. In such cases, the lien should have been discovered by the title insurer and providing a reduction of waiver would place the County in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges.


- FAILS
 DOES NOT FAIL

Staff Findings: A title search has not been done.

(3) A request for a waiver of reduction in lien shall not be granted if the Board of County Commissioners has previously reduced the amount of the lien. This statement applies whether or not the request is received from the original applicant for reduction or subsequent applicant.

- FAILS
 DOES NOT FAIL

Staff Findings: To the best of staff's knowledge, there has never been a request of the Board of County Commissioners to reduce the lien; therefore, the request does not fail the established guideline.



Tricia Johnson
Deputy County Manager

- APPROVED FOR CONSIDERATION BY BCC
 DENIED