

CLAIM TO SURPLUS PROCEEDS OF A TAX DEED SALE

Complete and return to:
By Mail:

Washington County Clerk of the Circuit Court
P.O. Box 647
Chipley, FL 32428

Claims must be filed
within 120 days of the
date the surplus notice
was mailed or they are
barred.

Tax Deed #: 2023-TD-029 Certificate # 21-00-00443 Sale Date of 10/17/2023

Note: The Clerk of the Court must pay all valid liens before distributing surplus funds to a titleholder.

Claimant's Name: City of Chipley
Contact Name, if applicable: Tamara Donjuan
Address: PO Box 1007
Telephone Number: 850-638-6350
Email Address: TDonjuan@cityofchipley.com
Tax No.: 59-6000299
Date of Sale (if known): 10/17/23

I am a (check one): ☒ Lienholder ☐ Titleholder

Select ONE:

☒ I claim surplus proceeds resulting from the above tax deed sale.

☐ I am NOT making a claim and waive any claim I might have to the surplus funds on this tax deed sale.

1. LIENHOLDER INFORMATION (Complete if claim is based on a lien against the sold property.)

(a) Type of Lien: ☐ Mortgage ☒ Court Judgement ☐ Condo or Homewoners Association Lien ☐ Other
Describe in Detail: Code Enforcement Lien

If your lien is recorded in Washington County's Official Records, list the following, if known:

Recording Date: 09/19/22 Instrument #: 202267007819 Book/Page #: 1253 / 606
(b) Original Lien Amount \$ 50.00 Amount Due: \$ 20,700.20 Principal Remaining Due: \$ 19,100.00
Interest \$ Fees & Costs*: \$ Attorney fees claimed: \$ 1,600.20

*Including late fees. Describe costs in detail, including additional sheet if needed: Fine accrues at \$50/day from 9/30/22

2. TITLEHOLDER INFORMATION (Complete if claim is based on title formerly held on sold property.)

(a) Nature of Title: ☐ Deed ☐ Court Judgement ☐ Other :

If your former title is recorded in County's Official Records, list the following, if known:

Recording Date: Instrument #: Book/Page #: /
Amount of surplus tax deed sale proceeds claimed: \$

Does the titleholder claim the subject property was homestead property? ☐ Yes ☐ No

3. I request that payment of any surplus funds due me be made payable to: City of Chipley and such
payment be mailed to either the address above or to:

4. I hereby swear or affirm that all of the above information is true and correct.

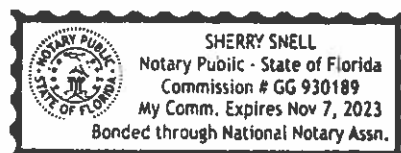
Signature of Claimant: [Signature] Print Name & Title: TAMARA DONJUAN
CODE ENFORCEMENT

STATE OF FL
COUNTY OF Washington

The foregoing instrument was sworn to or affirmed and signed before me this 24th day of October, by
Tamara Donjuan, who is personally known to me or has produced , as
identification and who did take an oath.

[Signature]
Notary Public

My Commission Expires:



Inst: 202267007819 Date: 09/19/2022 Time: 8:47 AM
Page 1 of 6 B: 1253 P: 606, Lora C. Bell,
Clerk of Court Washington, County, By: MM
Deputy Clerk

BEFORE THE SPECIAL MAGISTRATE OF THE CITY OF CHIPLEY, FLORIDA

**CITY OF CHIPLEY
DEPARTMENT OF
CODE ENFORCEMENT,**

Inst: 202267007822 Date: 09/19/2022 Time: 8:54 AM
Page 1 of 6 B: 1253 P: 619, Lora C. Bell,
Clerk of Court Washington, County, By: MM
Deputy Clerk

vs.

Case No.: 65

**THE ESTATE OF MARY MYDOSH
PROPERTY OWNER**

ORDER



CERTIFIED TRUE COPY

**LORA C. BELL
CLERK OF COURT**

**BY: *[Signature]*
Deputy Clerk**

This matter came to be heard before Sharmin R. Hibbert, Special Magistrate, on August 18, 2022. City of Chipley Code Enforcement Officer Tamara Donjuan (hereinafter, Officer Donjuan) was present along with City Attorney Jeremy Mutz. Present at the hearing on behalf of the property owner was Luther York, on behalf of the Estate of Mary Mydosh.

APPEARANCES

For the City:

For the Property Owner:

**Jeremy Mutz
City Attorney
Tamara Donjuan
Code Enforcement Officer
1442 Jackson Avenue
Chipley, Florida 32428**

Luther York

PRELIMINARY STATEMENT

1. A Notice of Violation was posted at the property located at 589 Main Street, and at City Hall, on or about June 8, 2022, in compliance with Section 162.12, Florida

Statutes (2022). (City. Ex. 1)

2. A Notice of Hearing was posted at the property on or about July 6, 2022.

(City Ex. 2).

3. Copies of all notices were entered into evidence. (City. Ex. 1-2).

4. It was established that the property owner and/or the property owner's representative, Mr. Luther York, received notice of the hearing and was present at the hearing.

5. Both parties were permitted to move forward with the hearing.

FINIDINGS OF FACTS

Based on the testimony and evidence presented at the hearing held on August 18, 2022, the following facts were found:

1. The property at issue is located at 589 Main Street, Chipley, Florida 32428.

2. The property owner(s) is the Estate of Mary Mydosh. Present at the hearing and on behalf of the estate was Mr. Luther York.

3. On or about June 8, 2022, Code Enforcement Officer Donjuan observed and inspected the property and saw that there was an excessive amount of overgrown grass, weeds, and vegetation at the property. The grass and overgrowth exceeded 12 inches.

4. Pictures of the condition of the property specifically reflecting the overgrown vegetation, weeds, and grass as well as the overall condition of the property were admitted into evidence. (City. Ex. 1).

5. In its current state, the property is a nuisance and eyesore to the community.

6. On or about June 8, 2022, Officer Donjuan prepared an Affidavit and Notice of Violation which stated the violations and the corrections that needed to be made, which she posted at the property and sent to the address of record. Officer Donjuan provided seven (7) days for the property owner to bring the property into compliance. (City. Ex. 1).

7. On or about June 23, 2022, Officer Donjuan reinspected the property and observed that it remained in non-compliance. There remained overgrown grass that exceeded 12 inches and excessive vegetation, trash, and debris. (City Ex. 2).

8. Officer Donjuan again posted the property and City Hall as well as sending notice via certified mail. Officer Donjuan again gave seven (7) days to bring the property into compliance. (City Ex. 2).

9. On or about July 6, 2022, Officer Donjuan reinspected the property and observed that there had been no improvement. There still remained excessive vegetation, growth, debris, and trash around the property in violation of the City of Chipley Municipal Code. (City Ex. 2).

10. On or about July 6, 2022, Officer Donjuan posted a Notice of Hearing at the property and City Hall for August 18, 2022. (City ex. 2).

11. Pictures taken on or about August 17, 2022, show there have not yet been any improvements made that would bring the property into compliance with City of Chipley Municipal Code. (City Ex. 3).

12. Mr. Luther York, a representative of the Estate of Mary Mydosh, was present at the hearing.

13. He testified that he knew the property was in violation of the City of Chipley Municipal Code. He stated the property belonged to his late mother-in-law, and there has

been trouble maintaining the property.

14. Mr. York testified that he plans to bring the property into compliance but needed additional time to do due to a recent leg injury. He was advised to stay in contact with Officer Donjuan during the process.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the following conclusions of law are made:

1. The Special Magistrate has jurisdiction of the parties hereto and the subject matter hereof.

2. These matters are governed by the City of Chipley Municipal Ordinances and Chapter 162, Florida Statutes.

3. The following violations are classified as "Nuisances" under the City of Chipley Municipal Code. Nuisance means the following:

4. Section 22-2(5) City of Chipley Municipal Code, states that: Any excessive accumulation of grass, weeds, undergrowth or other dead or living plant life upon a lot, tract or parcel of land, improved or unimproved, within 100 feet of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land shall or may become infested or inhabited with rodents, vermin or snakes; may become a breeding place for mosquitoes; threaten or endanger the public health and welfare; may reasonably cause disease; or adversely affect and impair the economic welfare of the adjacent property.

5. Section 22-3(6) City of Chipley Municipal Code, states that: The existence of excessive growth of weeds or vegetation, or the existence of any accumulation of debris, trash, garden trash, junk, untended growth of vegetation, or undergrowth or dead

or living vegetation, upon any property to the extent and manner that such property contains or is likely to contain rodents, reptiles, or other vermin, or furnishes a breeding place for flies, mosquitoes, or wood-destroying insects, or otherwise threatens the public health, safety or welfare.

6. The property owned by the Estate of Mary Mydosh, located at 589 Main Street, Chipley, Florida 32428, in its current state with excessive overgrown grass, vegetation, debris, and trash is in violation of Section 22-2(5), City of Chipley Municipal Code and is a nuisance.

7. The property owned by the Estate of Mary Mydosh, located at 589 Main Street, Chipley, Florida 32428, in its current state with excessive overgrown grass, vegetation, debris, and trash is in violation of Section 22-3(6), City of Chipley Municipal Code and is a nuisance.

8. Based on these two (2) violations of the City of Chipley Municipal Code, the property owners for the Estate of Mary Mydosh, are subject to penalties as provided for in the City of Chipley Municipal Code.

PENALTY

The Estate of Mary Mydosh, has thirty (30) days from the date of this order to bring the property located at 589 Main Street, Chipley, Florida 32428, into compliance with the City of Chipley Municipal Code. If the property is not brought into compliance within thirty (30) days from the date of this order, the property will be assessed a fine of fifty dollars (\$50.00) a day until the property is brought into the compliance with the City of Chipley Municipal Code.

NOTICE

This Order may be appealed to the Circuit Court by filing a notice of appeal within thirty (30) days of the execution of this order pursuant to Section 162.11, Florida Statutes (2022).

DONE AND ORDERED this 31st day of August, 2022.

CITY OF CHIPLEY CODE ENFORCEMENT

BY: 1st Sharmin R. Hibbert
SHARMIN R. HIBBERT
SPECIAL MAGISTRATE

Copies furnished to:
Jeremy Mutz, Esq.
Officer Tamara Donjuan, Code Enforcement Officer
Property Owner the Estate of Mary Mydosh

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