



THOMAS J. TRASK, B.C.S.*
JAY DAIGNEAULT, B.C.S.*
ERICA F. AUGELLO, B.C.S.*
RANDY D. MORA, B.C.S.*
ROBERT ESCHENFELDER, B.C.S.*
NANCY S. MEYER, B.C.S.*
JEREMY SIMON
MEGAN R. HAMISEVICZ


** Board Certified by the Florida Bar in
City, County and Local Government Law*

MEMORANDUM

DATE: March 28, 2023

TO: Mayor James "Jim" Rostek
Commissioner David Tagliarini
Commissioner Ray Kerr
Commissioner Eddie McGeehen
Commissioner Ann-Marie Brooks

CC: Robin Gomez, City Manager

FROM: Thomas J. Trask, City Attorney 

RE: Special Magistrate Lien at 14033 E. Parsley Drive, Madeira Beach
Case No. 2021.1296 (Murray)

The purpose of this memorandum is to obtain your authorization to accept a \$5,000.00 settlement offer from Rebecca "Becky" Giles, the Closing Manager for Title Mark, on behalf of Brian Murray, the current owner and seller of the subject property, in exchange for a Release of the Special Magistrate Lien.

BACKGROUND

On October 28, 2022, the Special Magistrate found the subject property in violation of Section 14-70 (General Maintenance) of the city code and an Order Imposing Fine was executed by the Special Magistrate which imposed a fine in the amount of \$250.00 per day (plus interest) for this lien against the owner. The property was thereafter brought into compliance, by demolition, on March 5, 2023. Recently Ms. Giles contacted me by e-mail and made a settlement offer on the seller's behalf in the amount of \$5,000.00 in exchange for a release of the Special Magistrate lien. The violation resulted in fines of \$25,500.00 plus interest and recording costs for a total amount due the City, as of March 31, 2023, in the amount of \$25,641.77.

March 28, 2023

Page 2

RECOMMENDATION

Based upon the facts of this case and to avoid incurring additional attorney's fees, it is my recommendation that the Board of Commissioners accept this settlement offer of \$5,000.00 in exchange for a Release of the Special Magistrate lien.

Respectfully submitted.

TJT/kt

Attachments: Special Magistrate Lien
Payoff
Settlement Offer

cc: Clara VanBlargan, City Clerk
Holden Pinkard, Building Operations Coordinator
Frank DeSantis, Building Official

CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF MADEIRA BEACH

CITY OF MADEIRA BEACH,

CASE NUMBER: 2020.1296

Petitioner,

vs.

BRIAN MURRAY,
14033 E. Parsley Dr.
Madeira Beach, FL 33708,

Respondent.

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER IMPOSING FINE

THIS CAUSE came on to be heard for public hearing before the undersigned Special Magistrate on October 24, 2022, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence, and otherwise being fully advised in the premises, hereby finds as follows:

Findings of Fact:

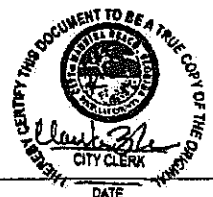
1. The City was represented by the City Attorney, and Holden Pinkard, Frank Desantis and Jenny Rowan provided testimony on behalf of the City.
2. Lori Souza appeared on behalf of the Respondent.
3. No one provided public comment.
4. The property in question is located at 14033 E. Parsley Dr., Madeira Beach, Florida 33708 ("Property"). The legal description for the Property is as follows:

BAY POINT ESTATES BLK 1, LOT 3

5. Proper notice was served upon the Respondent via certified mail, regular mail, posting or hand delivery in accordance with Chapters 162 and 166, Florida Statutes.
6. The Respondent was notified that Respondent was in violation of the following section of the Code of Ordinances of the City of Madeira Beach to wit:

Sec. 14-70.- Same- General Maintenance.

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation



and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

7. The violation set forth above existed as of the date of the Notice of Violation herein and at all times subsequent thereto up to the date of the Hearing.

8. A reasonable period of time for correcting the above violation and bringing the Property into compliance is thirty (30) days from the date of the Hearing.

BASED UPON THE FOREGOING FINDINGS OF FACT, IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

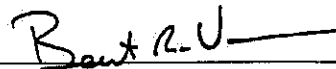
1. The Respondent, and the Property at the above mentioned location, are found to be in violation of Sections 14-70 of the Code of Ordinances of the City of Madeira Beach.

2. The Respondent shall correct the above stated violation on or before November 23, 2022, by taking the remedial action as set forth, and stated on the record at the hearing, which is to demolish the home.

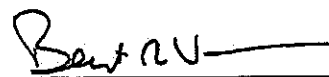
3. If the Respondent fails to timely comply with the remedial action set forth above, a fine shall be imposed in the amount of \$250.00 per day for the violation set forth in Paragraph 6 above for each day the Respondent has failed to correct the violation after November 23, 2022, and the fine shall continue to accrue until such time as the Property is brought into compliance.

4. The Special Magistrate does hereby retain jurisdiction over this matter to enter such other and further orders as may be just and proper.

DONE AND ORDERED this 28th day of October, 2022.


Bart R. Valdes
Special Magistrate

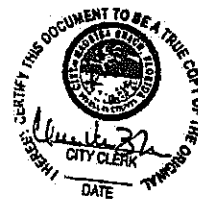
A true and correct copy of this Order was delivered by certified mail, regular mail and electronic mail to: Brian Murray, 14033 E. Parsley Dr., Madeira Beach, FL 33708; by electronic mail to Thomas Trask, Esq. (tom@cityattorneys.legal); and by U.S. Mail and e-mail transmission to the City of Madeira Beach, Clara VanBlargan, 300 Municipal Dr., Madeira Beach, Florida 33708, on this 28th day of October, 2022.


Bart R. Valdes



APPEALS

An aggrieved party, including the local governing body, may appeal a final administrative order of a Special Magistrate to the circuit court. Such an appeal shall not be a hearing de nova but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed. Ss. 162-11.



SPECIAL MAGISTRATE LIEN

MADEIRA BEACH

Brian Murray

14033 E. Parsley Drive

Case No. 2021.1296

as of: March 7, 2023

IN COMPLIANCE

Fine Start	11/24/2022	
Fine Stop	3/5/2023	102 days
Rate	\$250.00 /day	
Principal	\$25,500.00	

Admin

Recording	\$41.50
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SUB TOTAL	\$25,541.50
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Interest Rate 0.000151233 (5.52% per annum)

Interest on Principal \$3.86 /day

Interest Start	3/6/2023	
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Today's Date	3/31/2023	26 days
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Interest	\$100.27
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TOTAL	\$25,641.77
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Thomas Trask

From: Rebecca Giles <bgiles@titlemark.net>
Sent: Monday, March 27, 2023 1:15 PM
To: Thomas Trask; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez
Cc: Titlemark Receptionist
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

The owner is accepting of the \$5K settlement offer. Please present that so we can get a formal letter for the short sale lender should they need it.

Thank you,

Rebecca "Becky" Giles
Closing Manager
BGiles@TitleMark.net



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606
813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | www.TitleMark.net
Insurance | Closings | Escrow

All funds required for closing must be in the form of a wire transfer. We cannot accept personal checks, cashier's checks, credit cards, or ACH transfers.

WARNING:

Wire fraud and email hacking/phishing attacks are on the increase! If you have an escrow or closing transaction with us and you receive an email containing wire transfer instructions, **DO NOT RESPOND TO THE EMAIL!** Instead, call your closer immediately, using previously known contact information and NOT information provided in the email, to verify the information prior to sending funds. TitleMark will never change wire instructions via email.
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From: Thomas Trask <tom@cityattorneys.legal>
Sent: Thursday, March 23, 2023 9:52 AM
To: Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,
I have reviewed the \$1,000 settlement offer with the City. City staff and I cannot support that offer. City staff and I could support a settlement of \$5,000.00 for the outstanding \$25,641.77 lien. Let me know if that is acceptable to Mr. Murray. If so, I will need to obtain approval from the Board of Commissioners at their next BOC meeting on April 12, 2023. Tom

From: Rebecca Giles <bgiles@titlemark.net>
Sent: Tuesday, March 21, 2023 2:07 PM
To: Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Good Afternoon,

Attached is the letter from Mr. Murray for consideration.

Thank you,

Rebecca "Becky" Giles
Closing Manager
BGiles@TitleMark.net



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From: Thomas Trask <tom@cityattorneys.legal>
Sent: Thursday, March 16, 2023 2:50 PM
To: Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,
The letter should be in the form of a settlement offer (with a dollar figure) not a request to reduce the fine. Tom

From: Rebecca Giles <bgiles@titlemark.net>
Sent: Thursday, March 16, 2023 1:43 PM
To: Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Thank you for this payoff. I am having the owner put together a reduction request letter so I can send that to you. The outstanding liens exceed the value of the property so we are having to request a short sale for the mortgage.

I will be in touch once I get that back from him.

Thank you,

Rebecca "Becky" Giles

Closing Manager

BGiles@TitleMark.net



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copying of this information is strictly prohibited. If you received this communication in error, please delete the message with its attachments and notify the sender immediately.

From: Thomas Trask <tom@cityattorneys.legal>
Sent: Tuesday, March 07, 2023 4:23 PM
To: Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

The Board of Commissioners has one regular Commission meeting each month. Settlement offers are handled at those meetings. Therefore, depending on when the settlement offer comes in it could be 4 to 6 weeks before it will be considered by the BOC. Tom

From: Rebecca Giles <bgiles@titlemark.net>
Sent: Tuesday, March 7, 2023 4:07 PM
To: Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Thank you. I will be in touch once we know how the parties wish to proceed. What would the time frame be on a review of a reduction request if that is what is needed?

Thank you,

Rebecca "Becky" Giles
Closing Manager
BGiles@TitleMark.net



1000 W. Kennedy Boulevard, Suite 200 | Tampa, FL | 33606
813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | www.TitleMark.net
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From: Thomas Trask <tom@cityattorneys.legal>
Sent: Tuesday, March 07, 2023 3:07 PM
To: Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,
The payoff for lien through March 31, 2023, is:

SPECIAL MAGISTRATE LIEN

MADEIRA BEACH

Brian Murray
14033 E. Parsley
Drive

Case No. 2021.1296 as of: March 7, 2023

IN COMPLIANCE

Fine Start	11/24/2022	
Fine Stop	3/5/2023	102 days
Rate	\$250.00	/day
Principal	\$25,500.00	

Admin

Recording \$41.50

SUB TOTAL \$25,541.50

Interest Rate 0.000151233 (5.52% per annum)
Interest on Principal \$3.86 /day
Interest Start 3/6/2023
Today's Date 3/31/2023 26 days
Interest \$100.27
TOTAL \$25,641.77



Thomas J. Trask, Esquire
Board Certified in City, County and Local Government Law
AV Preeminent® Rated Attorney
TRASK DAIGNEAULT, LLP
Harbor Oaks Professional Center
1001 South Ft. Harrison Avenue, Suite 201
Clearwater, FL 33756
Phone: (727) 733-0494 (Ext. 103)
Fax: (727) 733-2991
E-Mail: tom@cityattorneys.legal

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Wiring Instruction Notice. FURTHER, WE DO NOT ACCEPT OR REQUEST CHANGES TO WIRING INSTRUCTIONS VIA EMAIL OR FACSIMILE, PLEASE CALL TO VERIFY. IF YOU RECEIVE AN EMAIL CONTAINING WIRE TRANSFER INSTRUCTIONS, CALL OUR OFFICE IMMEDIATELY TO VERIFY THE INFORMATION PRIOR TO SENDING FUNDS.

From: Rebecca Giles <bgiles@titlemark.net>
Sent: Monday, March 6, 2023 12:09 PM
To: Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>
Cc: Titlemark Receptionist <receptionist@titlemark.net>
Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Thank you very much for your responses. I will await your reply regarding the payoff. We would request that those figures be good through the end of this month.

Thank you,

Rebecca "Becky" Giles

Closing Manager
BGiles@TitleMark.net



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813.513.7679 Direct Line | 813.517.0224 Direct Facsimile | www.TitleMark.net
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From: Thomas Trask <tom@cityattorneys.legal>

Sent: Monday, March 06, 2023 11:57 AM

To: Rebecca Giles <bgiles@titlemark.net>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov; Robin Gomez <RGomez@madeirabeachfl.gov>

Cc: Titlemark Receptionist <receptionist@titlemark.net>

Subject: RE: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Becky,

I am the City Attorney for the City of Madeira Beach. See my responses to your questions below. Tom



Thomas J. Trask, Esquire

Board Certified in City, County and Local Government Law

AV Preeminent® Rated Attorney

TRASK DAIGNEAULT, LLP

Harbor Oaks Professional Center

1001 South Ft. Harrison Avenue, Suite 201

Clearwater, FL 33756

Phone: (727) 733-0494 (Ext. 103)

Fax: (727) 733-2991

E-Mail: tom@cityattorneys.legal

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From: Rebecca Giles <bgiles@titlemark.net>

Sent: Monday, March 6, 2023 11:30 AM

To: Thomas Trask <tom@cityattorneys.legal>; buildingdept@madeirabeachfl.gov; lroby@madeirabeachfl.gov; fdesantis@madeirabeachfl.gov; hpinkard@madeirabeachfl.gov

Cc: Titlemark Receptionist <receptionist@titlemark.net>

Subject: 14033 E. Parsley Drive - Case No. 2022.3431 and Case No. 2020.1296 - 14033 E. Parsley

Importance: High

Good Afternoon,

The lien recorded for Case No. 2022.3431 references the property address of 50 154th Avenue, however the legal description is for the property at 14033 E. Parsley Drive. I am trying to confirm that this lien does in fact pertain to the property at 50 154th Avenue and not 14033 E. Parsley Drive. Please advise. The Findings of Fact, Conclusion of Law and Order Imposing Fine in case 2022.3431 issued by the Special Magistrate on October 28, 2022, has the correct address but the wrong legal description. It will need to be amended. That lien does NOT pertain to 14033 E. Parsley Drive.

I would also like to request that a corrective lien be recorded or a release recorded to clear this from the legal description for Parsley. Would you please review and advise or direct me to the appropriate party to handle this request? It will be addressed.

Also, I am looking to find out if the property at 14033 E. Parsley is now showing in compliance since the demolition took place last week. Please confirm and provide a payoff letter for the lien. I have reached out to

the City to see if the final inspection has been done and whether the property is in compliance. I will prepare the payoff once I have received that information. Tom

Thank you so much for your assistance with this matter.

Thank you,

Rebecca "Becky" Giles

Closing Manager

BGiles@TitleMark.net



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Thomas J. Trask, Esquire
TRASK DAIGNEAULT, LLP
Harbor Oaks Professional Center
1001 South Ft. Harrison Avenue, Suite 201
Clearwater, FL 33756
E-Mail: tom@cityattorneys.legal

RE: 14033 E. Parsley Drive, Madeira Beach, FL 33708

Dear Attorney Trask,

I am requesting a reduction in the payoff for the code enforcement case of 2021.1296. I am offering a settlement amount of \$1,000.00 to be considered as satisfaction in full for this case.

The amounts due to satisfy the liens on this property exceeds the value. We are in the process of requesting a short sale from the mortgage holder at this time, and would ask that the City consider this settlement amount to be paid at the time of closing. We would anticipate the closing to take place on or before the end of May, 2023.

The following parties are assisting with getting this transaction closed and are authorized to discuss this on my behalf:

Karen Bolden (Caretaker) – 727-485-7529 – kbolden12@yahoo.com
Rebecca Giles/TitleMark, LLC (Title Company) – 813-871-9200 – bgiles@titlemark.net
Brian Lancaster (Real Estate Agent) – (813) 629-2323 – brian@tailwindsrealty.com

Thank you for your consideration.

Brian Murray 3-16-2023
Brian Murray Date