

Clay County Florida - Code Enforcement Division
Lien Reduction Procedures

The Special Magistrate has the authority to recommend a reduction or release of fines and liens. The Clay County Board of County Commissioners has the authority to reduce fines and liens, pursuant to Florida Statutes Chapter 162 as amended. **An entity requesting a release of lien has no right to the reduction or release of a fine or lien.** In evaluating requests for liens to be released or reduced, the Board of County Commissioners and Special Magistrate may consider the following:

1. The length of time the property was in violation prior to the lien being placed;
2. Whether the entity requesting the reduction owns other properties in Clay County and how many have active code enforcement cases or code enforcement liens;
3. Whether the property owner, if different from the entity requesting the release, owns other properties in the County and how many have active code enforcement cases or code enforcement liens;
4. Whether the entity requesting the reduction owned the property for which the lien was placed at the time the lien was placed;
5. Whether the entity requesting the reduction acted promptly to correct the violations for which the lien was placed and the length of time taken to correct the violation(s);
6. Any other specific information which is available about the property or the entity request;
7. Any other factor which may show a hardship on the entity requesting the reduction or which may provide a reasonable basis for the requested relief.

Lien reduction requests already heard by the Special Magistrate and Board of County Commissioners will not be reheard for a 180-day period, unless the property ownership changes or unless there is sufficient documentation of new information not previously available.

To be placed on the Special Magistrate hearing agenda, an applicant makes a request by submitting the Application for Reduction of Code Enforcement Lien to the Special Magistrate Secretary (**Code Enforcement, P. O. Box 1366, Green Cove Springs, FL 32043**). A processing fee of \$25 per parcel must be paid at the time the application is submitted. Payment shall be in the form of cash, cashier's check or money order only, made payable to CCBOCC. The Special Magistrate secretary will mail a confirmation letter to the applicant confirming the meeting date and time. Staff will prepare a report which is provided to the Special Magistrate and Board of County Commissioners prior to the meeting.

Lien reduction applications should be submitted at least fifteen (15) days prior to the Special Magistrate hearing, scheduled for the first Thursday of every other month, beginning in February each year. The hearing before the Board of County Commissioners shall be scheduled by the Senior Code Enforcement Officer at least thirty (30) days prior to the Board of County Commissioners meeting. A letter will be mailed to the applicant confirming the meeting dates.

Those who have requested a lien reduction hearing but are unable to attend the scheduled meeting must notify code enforcement they need to reschedule their appearance. Otherwise, the case will be heard without the applicant being present.

Special Magistrate hearing – Applicants must check in with staff. When the case is called, staff will read its report. The applicant will be invited to speak about the request and the status of the property. The Magistrate may ask questions and will then make a recommendation only as to whether to reduce, remove or leave the lien in place.

Board of County Commissioners hearing – Applicants must check in with staff. When the case is called, staff will read its report. The applicant may speak for three (3) minutes and present information regarding the request to the Board. The applicant will need to be available to answer questions from staff or the Board. The Board will decide whether to reduce the lien or take no action, thus leaving the lien in place.

If the Board of County Commissioners approves the reduction of a lien, the applicant shall have no more than ten (10) working days from the date of the hearing to make full payment of the reduced lien. Payment shall be in the form of cash, cashier's check or money order only. If the lien is not paid within the time allowed, the lien will revert back to the original amount placed on the property by the Special Magistrate.

If the Board approves the reduction of a lien and the entity pays the reduced lien, the Special Magistrate secretary will complete paperwork to release the lien. The release-of-lien document will be mailed to the applicant. It is up to the applicant to record the release of lien at the Clay County Clerk of Court.

In accordance with the Americans with Disability Act, persons needing special accommodations or an interpreter to participate in either of the proceedings should contact the Clay County ADA Coordinator by mail at P. O. Box 1366, Green Cove Springs, FL 32043, or by telephone at (904) 269-6376, at least three (3) days prior to the date of the hearings. Hearing-impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD).

For additional information, contact the Code Enforcement Special Magistrate secretary at (904) 269-6310 or 284-6310.

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4. Whether the entity requesting the reduction owned the property for which the lien was placed at the time the lien was placed;
5. Whether the entity requesting the reduction acted promptly to correct the violations for which the lien was placed and the length of time taken to correct the violation(s);
6. Any other specific information which is available about the property or the entity request;
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I have read and understand the policies and procedures for requesting a lien reduction.

_____ Initials

Reduction of Code Enforcement Lien(s) Request

Application

A request for a reduction of a Code Enforcement lien cannot be considered until the property is in full compliance. Before the application is processed, the property will be inspected to determine compliance. A request for reduction of a Code Enforcement lien also will not be considered if the applicant has any code violations on any other property they hold an interest in and is located within the unincorporated area of Clay County.

Requests are not scheduled for the Special Magistrate hearing until the application has been reviewed for completeness. Along with the application, you must prepare a statement explaining why the lien should be reduced. If you wish to address the Board of County Commissioners during its hearing for request for lien reduction, you will be allowed to present a three-minute statement to the Board. This hearing is not a re-hearing of the case. The Special Magistrate was presented evidence and heard testimony regarding the alleged violation(s) prior to issuing an Order for Non-compliance and an Order to Impose Fine. All respondents are advised of the appeal process in the "Order for Non-Compliance" and "Order to Impose a Fine," as established in Florida Statutes 162.11. There is no evidence an appeal has been filed regarding the property/properties listed in this application.

Requests for reduction of a code enforcement lien go through a two-hearing process. The Special Magistrate will hear a request and will make a recommendation only as to whether or not a lien should be reduced, released or whether any action should be taken. The Special Magistrate's recommendation and the Application Request for the Lien Reduction will then be heard by the Clay County Board of County Commissioners, who will make the final determination.

Date of last inspection: _____ Compliant? _____ Yes _____ No

Case Number(s)	Lien Address (Property Subject to the Lien(s))
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Applicant's name:	Phone number:
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Mailing address:

Authorized representative's name:	Written and notarized authorization from owner? Yes No
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Name of owner of lien address when lien(s) were placed on the property:

Current owner of lien address:

Current owner's relationship or affiliation with entity/person named in lien(s):
--

Other property located in Clay County belonging to current owner – Parcel Numbers and Address: Attach a separate sheet if necessary

What were the violations at lien address when lien(s) was/were placed?
--

Who lived at the property when the lien(s) went into effect:
--

Reasons violations not corrected before lien(s) placed:		
Is money held in escrow pending the lien release hearing: Yes No		
If yes, who will receive escrow money if the lien(s) is/are reduced?		

Explain why you believe a lien reduction is appropriate:

Has the applicant applied for lien reduction for this property before? Yes No
 If yes, when? (month/year) _____

Has the applicant applied for lien reduction for another property before? Yes No
 If yes, what property and when? (month/year)

To obtain information on liens, contact the Clay County Clerk of Court at 904-269-6302 or 284-6302, visit the Official Records Department, Room 101, 825 N. Orange Ave., Green Cove Springs, FL 32043 or go to www.clayclerk.com.

Note: The Code Enforcement Division does not perform title or lien searches but will try to identify any additional liens that may pertain to this request based on the case number(s) provided in this application. The Division is not responsible for outstanding liens omitted from this application.

Applicant is requesting the below lien(s) be reduced to: \$ _____

Under penalty of perjury, the undersigned:

- swears or affirms that the information provided on this Application for Reduction of Code Enforcement Lien(s) is true and correct;
- acknowledges he/she has read the Lien Reduction Procedures;
- acknowledges he/she was given an opportunity to ask questions regarding the procedures.

A processing fee of \$25 per lien is required at the time the application is submitted. Payment must be made in cash, by cashier's check or by money order. Each additional request on the same property with the same owner shall be an additional \$25 per request.

Applicant must provide an initialed copy of the Lien Reduction Procedures as acknowledgement of the above for application to be accepted.

Applicant's signature: _____ Date: _____

The foregoing was sworn and subscribed before me this _____ day of _____ 20_____. He or she is personally to me or provided _____ as identification at the time of notarization.

Stamp:

Notary Public:
