



AGENDA ITEM REQUEST FORM

REVISED

Development Services

Department Submitting Request

Jeff Bowman

Code and Zoning Supervisor

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 27, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

*Subject to Change

- Presentation
- Reports
- Consent
- Ordinance
- Resolution
- Quasi Judicial
- Old Business
- New Business

FY2011 DESIGNATED HIGH PRIORITY ITEM

SUBJECT TITLE: Commission Approval of Application for Relief of Code Enforcement Lien at 1937 Ocean Mist Drive.

EXPLANATION: The owner of this residential property (Deutsche Bank National Trust Company) seeks relief from code enforcement liens. The Town issued Notices of Violation for the failure to connect to the sewer system and no trash service. The Special Magistrate heard the case and ordered the then property owner to comply or daily fines would commence. The Bank secured title to the property on November 9, 2010 and corrected the violations. The owner's application is attached hereto as "Exhibit 1". The requested relief must be approved by the Town Commission. The table below provides a summary of the case:

Case #	Violation	Magistrate Ordered Compliance	Date of Compliance	Days in Violation	Lien Amount	Offered Settlement
10-CT-00106	Suspension of Trash	July 16, 2010	January 12, 2011	180	\$18,000	\$4,500
09-KP- 00699	Failure to connect to sewer system	November 6, 2009	April 12, 2011	522	\$78,300	\$19,475
Total					\$ 96,300	\$23,975
Direct Town Expense (1)					\$1,146	
					<u>\$845.92</u>	
Total					<u>\$96,995</u>	24.7%
					<u>\$97,145.92</u>	

(1) Total cost to the Town to process these cases is \$1,145.92 - \$300 paid = \$845.92

Staff time and costs = \$645.30
Fixed costs (postage and recording fees) = \$200.62
Administrative fees = \$300.00 (Applicant paid this fee)



AGENDA ITEM REQUEST FORM

Under the Town's procedures for relief from code enforcement liens, the Commission shall consider all relevant factors to determine what relief, if any, is appropriate, including the following criteria:

A. The nature and gravity of the violation;

The gravity of the violations are considered moderate based on the severity of harm to public health and safety that could result from the failure to connect to the sewer system and the suspension of trash service and the probability that such harm could occur as a result of the violations.

B. Any actions taken by the Respondent to correct the violation;

The Bank obtained title to the subject property on November 09, 2010. Thereafter, the Bank worked with staff to correct the violations.

C. The length of time between the previously ordered compliance date and the date the violation was brought into compliance;

After acquiring title to the property, the bank corrected the sewer violation in 154 days and the suspended trash service violation in 64 days.

D. Any actual costs expended by the Respondent to cure the violation as provided by supporting documentation;

The Bank spent eight thousand seven hundred eighty four dollars (\$8,784.00) correcting the sewer violation and three hundred seventy six dollars and thirty two cents (\$376.32) correcting the suspended trash service violation. (A total of \$9,160.32.)

E. Any other prior or current violations committed by the Respondent on the subject property or upon any other property owned by the Respondent within the Town;

None.

RECOMMENDATION: Staff recommends approval of the requested relief from both code enforcement liens in the amounts suggested by the owner (a combined total of ~~\$24,075~~ \$23,975 if paid within 30 days of Commission approval. The Bank efficiently and within a reasonable amount of time worked with staff to abate the violations and paid the administrative fees (totaling \$300) imposed by the Special Magistrate in these cases. Additionally, based on the particular facts of this case, i.e., the subject property was vacant and there were no known problems with the septic tank, the violations did not pose a serious health or safety issue.

EXHIBITS: Exhibit 1 – Respondent's Application and Staff's history of involvement. (Case # 09-KP-00699)
Exhibit 2 – Respondent's Application and Staff's history of involvement. (Case # 10-CT-00106)

Reviewed by Town Attorney

Yes No

Town Manager Initials

CA

Exhibit 1

LAUDERDALE-BY-THE-SEA
RECEIVED

MAY 02 2011

DEVELOPMENT
SERVICES

TOWN OF LAUDERDALE-BY-THE-SEA

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Tel: (954) 776-0576
Fax: (954) 776-1857

APPLICATION FOR RELIEF FROM CODE ENFORCEMENT FINES OR LIENS

- * No application will be accepted or processed unless all violations on the property have been placed in compliance by Code Enforcement

CASE # 09-KP-00699

TOWN OF LAUDERDALE-BY-THE-SEA vs. Kenneth and Delise Bowen
(Name of Respondent(s) as listed)

NAME OF APPLICANT: (Print): Deutsche Bank National Trust Co., et al.
(Person to attend Hearing) C/O Kelly E. Elkins, P.A.

ADDRESS OF APPLICANT: Deutsche Bank National Trust Co., et al.
(Full mailing address) C/O Kelly E. Elkins, P.A.
101 N.E. 3rd Ave., Suite 1500, Ft. Lauderdale, FL
33301

PHONE NUMBER: (954) 332-3688

ADDRESS OF PROPERTY: 1937 SE 17th Ct., Lauderdale-by-the-Sea, FL
(Where violation(s) existed) 33062

NATURE OF VIOLATION: failure to connect to the sanitary sewer system.

THIS PROPERTY CURRENTLY IS IS NOT (check one) INVOLVED IN LITIGATION

All Applications for Relief (where applicable) MUST have the following documentation provided as part of the Application to be reviewed:

- ✓ 1. A copy of the Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
2. A copy of the Foreclosure Complaint; from coming
- ✓ 3. A copy of the Foreclosure Order, with the recording date, book and page shown;
- ✓ 4. A copy of the Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
- ✓ 5. A copy of the Certification of Lien Order, with the recording date, book and page shown;
- ✓ 6. A copy of the new Certificate of Title, with the recording date, book and page shown;
- ✓ 7. A copy of the Town's Final Order of Imposition of Fine; and
- ✓ 8. A copy of the Claim of Lien(s) with the recording date, book and page shown.

Please provide a copy of these requirements with all Applications for Relief.

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

- A. The nature and gravity of the violation(s);
- B. Any actions you have taken to correct the violation(s);
- C. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- D. Any actual costs you expended to cure the violation(s), if supported by documentation;
- E. Any other prior or current violations you committed on the subject property or upon any other property you own within the Town; and
- F. Equitable considerations.

WHY RELIEF SHOULD BE GRANTED (This section must be completed and, at a minimum, should address the above factors): Please see attached letter.

(Attach additional pages if needed, along with any supporting documentation)

IF APPLICABLE:

Name Of Attorney/Representative: Kelly E. Ekms, P.A., Erin G. Whitebook, ESQ.

Address: 101 N.E. 3rd Ave., Suite 1500, Ft. Lauderdale, FL 33301

Phone Number: (954) 332-3688

I CERTIFY THAT I am the current owner of the subject property or an Attorney for said owner, or that I am the legal representative for the property or otherwise authorized to act on behalf of the property owner in this matter.


Signature of Applicant

April 29, 2011
Date

(NOTE: Proof of such lawful authority or written authorization from the property owner must be provided by the applicant prior to this matter proceeding.)

LAUDERDALE-BY-THE-SEA
RECEIVED
MAY 02 2011
DEVELOPMENT
SERVICES

Law Office
KELLY E. ELKINS, P.A.
101 N.E. THIRD AVE., SUITE 1500
FORT LAUDERDALE, FLORIDA 33301
TEL. (954) 332-3688

May 11, 2011

**Via e-mail to Kimberly Williams at
KimW@lauderdalebythesea-fl.gov and
U.S. Mail**

Town of Lauderdale-by-the-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Re: Revised Letter in support of Application for Relief
Address: 1937 SE 17th Court, Lauderdale by the Sea, FL 33062
Case #: 09-KP-00699

To Whom It May Concern:

Deutsche Bank National Trust Co., as Trustee for American Home Mortgage Assets Trust 2007-3, Mortgage-Backed-Pass-Through Certificates Series 2007-3 (hereinafter "Deutsche Bank") respectfully requests that Relief be Granted for the following reasons.

Deutsche Bank is the current owner of the above-referenced property. However, at the time the violation occurred, the previous owners named hereto as the Respondents in the subject action, Kenneth and Delise Bowen, had title to the subject property. As such, Deutsche Bank did not have control of the property at the time the violation took place. Deutsch Bank acquired title to the subject property on November 9, 2010. *See attached Certificate of Title.* Upon learning of the code violations, Deutsche Bank has acted diligently to bring the property into compliance.

The nature of the violation was failing to connect to the sanitary sewer system. The Final Order reflects that the property was cited on June 5, 2009 with a compliance date of July 6, 2009. The violation has since been cured by Deutsche Bank as the sanitary sewer system has been connected. The final inspection took place on April 4, 2011 and the fines stopped accruing on April 12, 2011.

There is another violation on the subject property, Case #, 10-CT-00106, which has also been cured. An application for Relief for this violation has also been submitted.

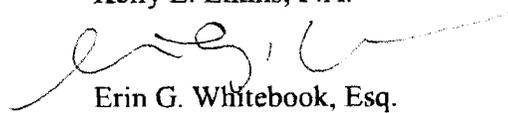
Deutsche Bank has a potential buyer for the subject property; however, due to the outstanding liens on the property the closing has been postponed.

It cost approximately \$8,784.00 to connect the sewer. At this time, the outstanding fines total \$78,300.00. A check in the amount of \$150.00 for the administrative fee has been submitted concurrently with this Application. Deutsche Bank respectfully requests that the outstanding fines be reduced to 24.87%, in the amount of \$19,475.00.

Thank you very much for your consideration and attention to this matter.

Most Respectfully,

Kelly E. Elkins, P.A.

A handwritten signature in black ink, appearing to read "Erin G. Whitebook", written over a horizontal line.

Erin G. Whitebook, Esq.
For the Firm

Enclosures/

Law Office
KELLY E. ELKINS, P.A.
101 N.E. THIRD AVE., SUITE 1500
FORT LAUDERDALE, FLORIDA 33301
TEL. (954) 332-3688

April 28, 2011

Town of Lauderdale-by-the-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Re: Letter of Authorization for Application for Relief
Address: 1937 SE 17th Court, Lauderdale by the Sea, FL 33062
Case #: 09-KP-00699

To Whom It May Concern:

The undersigned law firm represents Deutsche Bank National Trust Co., as Trustee for American Home Mortgage Assets Trust 2007-3, Mortgage-Backed-Pass-Through Certificates Series 2007-3 (hereinafter "Deutsche Bank"). Deutsche Bank is the current owner of the above-referenced property. Deutsche Bank has provided us with authorization to submit this Application for Relief. Enclosed please find the Notice of Appearance and Certificate of Title.

Should you need any additional documentation or information, please feel free to contact me.

Thank you very much for your time and attention to this matter.

Most Respectfully,

Kelly E. Elkins, P.A.



Erin G. Whitebook, Esq.
For the Firm

Enclosure/

TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
CODE COMPLIANCE SPECIAL MAGISTRATE

TOWN OF LAUDERDALE-BY-THE-SEA
MUNICIPAL CORPORATION OF FLORIDA

CASE NUMBER: 09-KP-00699

PETITIONER,

VS.

Kenneth & Delise Bowen
1937 SE 17th Court
Lauderdale-By-The-Sea, FL 33062

RESPONDENT

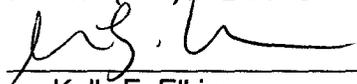
NOTICE OF APPEARANCE AS COUNSEL

PLEASE TAKE NOTICE of the appearance of the undersigned law firm as counsel for Deutsche Bank National Trust Co., as Trustee for American Home Mortgage Assets Trust 2007-3, Mortgage-Backed-Pass-Through Certificates Series 2007-3 (hereinafter "Deutsche Bank"). Copies of any and all pleadings, motions, notifications, and other papers in this case should hereafter be directed to the undersigned law firm at the address indicated below.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a copy of foregoing was served by U.S. mail to Town of Lauderdale-By-The-Sea, 4501 Ocean Dr., FL 33308 on this ^{20th} 21 day of April 2011.

KELLY E. ELKINS, P.A.
Attorneys for Defendant
101 NE Third Avenue, Suite 1500
Fort Lauderdale, Florida 33301
Telephone: (954) 332-3688
Facsimile: (954) 332-3736

By: 

Kelly E. Elkins
Florida Bar No. 469963
Erin G. Whitebook
Florida Bar No. 0046335



Site Address	1937 OCEAN MIST DRIVE , LAUDERDALE BY THE SEA	ID #	4943 07 01 1430
Property Owner	DEUTSCHE BANK NATL TR CO TRSTEE	Millage	0211
Mailing Address	PO BOX 631730 IRVING TX 75063	Use	01
Legal Description	BEL-AIR 32-10 B LOT 23 BLK 5		

The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2010 Exemptions and Taxable Values reflected on Nov. 1, 2010 tax bill.					
Year	Land	Building	Just Value	Assessed / SOH Value	Tax
2011	\$118,130	\$233,730	\$351,860	\$351,860	
2010	\$157,500	\$233,730	\$391,230	\$379,330	\$6,996.97
2009	\$153,120	\$216,240	\$369,360	\$369,360	\$6,605.11

IMPORTANT: The 2011 values currently shown are very preliminary numbers. Those numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2011, to see the actual proposed 2011 assessments and portability values.

2011 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$351,860	\$351,860	\$351,860	\$351,860
Portability	0	0	0	0
Assessed/SOH	\$351,860	\$351,860	\$351,860	\$351,860
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$351,860	\$351,860	\$351,860	\$351,860

Sales History				
Date	Type	Price	Book	Page
10/27/2010	CET-D	\$336,900	47520	1191
6/3/2004	WD	\$424,500	37780	185
2/14/2000	WD	\$226,000	30325	1912
12/28/1999	DRR		30196	736
12/28/1999	WD	\$200,000	30151	547

Land Calculations		
Price	Factor	Type
\$15.00	7,875	SF
Adj. Bldg. S.F. (See Sketch)		2655

Special Assessments					
Fire	Garbage	Light	Drainage	Improvement	Safe
02			LB		
R			LB		
1			1		

A 2

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

AMERICAN HOME MORTGAGE SERVICING, INC., a Delaware Corporation, f/k/a AH MORTGAGE ACQUISITION CO., INC.,

GENERAL JURISDICTION DIVISION

Case No. 08044637

Florida Bar No. 605174

12

Plaintiff,

vs.

DELISI M. BOWEN; KENNETH E. BOWEN; SUNTRUST BANK; CHRISTOPHER CHIN-LOY; JOHN DOE and JANE DOE,

NOTICE OF LIS PENDENS

Defendants.

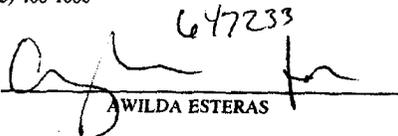
~~TO DEFENDANT(S): DELISE M. BOWEN; KENNETH E. BOWEN; SUNTRUST BANK; CHRISTOPHER CHIN-LOY; JOHN DOE and JANE DOE AND ALL OTHERS WHOM IT MAY CONCERN;~~

YOU ARE NOTIFIED of the institution of this action by Plaintiff against you seeking to foreclose a mortgage on the following property in Broward County, Florida:

Lot 23, in Block 5, of BEL-AIR, according to the plat thereof, as recorded in Plat Book 32, at Page 10, of the Public Records of Broward County, Florida.

DATED this 15th day of September, 2008.

ADORNO & YOSS LLP
Attorneys for Plaintiff
2525 Ponce de Leon Boulevard
Suite 400
Miami, Florida 33134
(305) 460-1000

By: 
WILDA ESTERAS

APP
1
#

**In the Circuit Court of the Seventeenth Judicial Circuit
In and for Broward County, Florida**

AMERICAN HOME MTG SERVICING ; AMERICAN HOME MTG
SERVICING
Plaintiff

CACE-08-044667
Division: 12

VS.
BOWEN, DELISE M ; BOWEN, KENNETH E ; SUNTRUST BANK ;
CHIN-LOY, CHRISTOPHER
Defendant

Certificate of Title

The undersigned, Howard C. Forman, Clerk of the Court, certifies that he executed and filed a certificate of sale in this action on October 27, 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Broward County, Florida:

**LOT 23, BLOCK 4, BEACHSIDE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32,
PAGE 19 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA**

Property address: 1937 SE 17TH COURT, LAUDERDALE BY THE SEA, FL 33062

**THIS IS NOT AN
OFFICIAL COPY**

Was sold to: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERICAN HOME
MORTGAGE ASSETS TRUST 2007-3, MORTGAGE-BACKED PASS-THROUGH CERTIFICATES SERIES 2007-3
P.O. Box 631730 Irving, TX, 75063

Witness my hand and the seal of this court on November 09, 2010.



Howard C. Forman, Clerk of Circuit Courts
Broward County, Florida

Total consideration: \$336,900.00
Doc Stamps: \$2,358.30

DP
17.

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY FLORIDA.

CIVIL DIVISION (12)

CASE NO. 06-2008-CA-044667

FILED FOR RECORDS
CLERK OF CIRCUIT COURT
BROWARD COUNTY, FLORIDA
2010 JAN 25 PM 4: 03
CIRCUIT CIVIL

AMERICAN HOME MORTGAGE SERVICING, INC., A DELAWARE CORPORATION, F/K/A AH MORTGAGE ACQUISITION CO., INC., Plaintiff(s),

vs.

DELISE M. BOWEN; KENNETH E. BOWEN; SUNTRUST BANK; CHRISTOPHER CHIN-LOY; JOHN DOE AND JANE DOE Defendant(s).

THIS IS NOT AN OFFICIAL COPY

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on January 25, 2010. On the evidence presented,

IT IS ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over Delise M. Bowen Kenneth E. Bowen; Suntrust Bank; and Christopher Chin-Loy defendants.

2. There is due and owing to the Plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$671,599.84
Interest on the note and mortgage from November 1, 2007 to January 25, 2010	\$116,337.92
Title search expenses	\$325.00
Taxes for the year(s) of 2008	\$14,463.27
Insurance Premiums	\$40,890.94
 Court Costs:	
Filing Fee	\$
 SUBTOTAL	\$843,616.97
 Additional Costs:	
Pre-Accelerated Late Charges through July 16, 2009	\$3,385.06
Property Inspections	\$ 134.40
BPO/APPRaisal	\$ 390.00
ACQUISITION FEE	\$ 106.00
 SUBTOTAL	\$847,632.43
 Attorney fees based upon 8 hours at \$162.50 per hour	\$1,300.00

4

GRAND TOTAL

\$848,932.43

3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

4. Plaintiff, whose address is c/o American Home Mortgage Servicing, Inc., P.O. Box 631730, Irving, TX 75063, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and Section 720.3085. The Plaintiff's lien encumbers the subject property located in Broward County, Florida and described as:

LOT 23, BLOCK 5, BEL-AIR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32, PAGE 10 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Property address: 1937 SE 17TH COURT, LAUDERDALE BY THE SEA, FL 33062

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on March 31, 20 10, at 11:00AM, to the highest bidder for cash, except as prescribed in Paragraph 6, at Room 385 on the 3rd Floor of the Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, FL 33301, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk shall not conduct the sale in the absence of the Plaintiff or its representative.

6. Plaintiff shall advance all subsequent costs of this action in addition to any advances to protect its collateral and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for sale. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

7. On filing of the Certificate of Sale, defendant's right of redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

8. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.

9. Upon filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.

10. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 8 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$162.50 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 S.2d 1145 (Fla. 1985).

11. NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST. (2006).

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, BROWARD COUNTY CLERK OF COURT BROWARD COUNTY COURTHOUSE ATTN: FORECLOSURE 201 S E 6TH STREET, ROOM 230 FORT LAUDERDALE, FL 33301, [TELEPHONE: 954-831-5745 GENERAL NOTICE OF ACTIONS 954-831-5742], WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL AID SERVICE OF BROWARD COUNTY INC., 491 N. STATE ROAD 7, PLANTATION, FL 33317 TELEPHONE: (954) 765-8950, TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

- 12. If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order of this court.
- 13. The Court finds that Plaintiff has standing to seek and receive the relief obtained herein.
- 14. Any funds payable from third party funds including attorney fees and costs shall be made payable to Plaintiff.
- 15. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, deficiency judgments.
- 16. The court finds that Plaintiff is the proper party with standing to bring this action.

ORDERED at Broward County, Florida on Jan 25th, 2010


Circuit Judge

SC-09-22123

ROBERT H. NEWMAN

Copies furnished to:
Albertelli Law
P.O. Box 23028
Tampa, FL 33623

Delise M. Bowen
c/o Peter Duff Spindel, Esq
PO Box 166245
Miami, FL 33116-6245

Kenneth E. Bowen
c/o Peter Duff Spindel, Esq
PO Box 166245
Miami, FL 33116-6245

Suntrust Bank
c/o Legal Department
303 Peachtree Street, NE Suite 3600
Atlanta, GA 30302

Christopher Chin-Loy
2310 Northwest 55 Court, Suite 136
Fort Lauderdale, FL 33309

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TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
CODE COMPLIANCE SPECIAL MAGISTRATE

CASE NUMBER: 09-KP-00699

TOWN OF LAUDERDALE BY THE SEA,
MUNICIPAL CORPORATION OF FLORIDA

PETITIONER

VS.

KENNETH & DELISE BOWEN
1937 S.E. 17th Court
Lauderdale-By-The-Sea, FL 33062

RESPONDENT

FINAL ORDER

HEARING DATE: August 5, 2009

VIOLATION(S): Failure to connect to the sanitary Sewer System.

CODE SECTION: 20-16

An Administrative hearing was held before the Special Magistrate on August 5, 2009. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at: 1937 S.E. 17th Court, Lauderdale-By-The-Sea, FL 33062 and more particularly described as follows:

Tax Folio Number (Property I.D.): 9307-01-1430

At the hearing held on this matter on August 5, 2009 the Petitioner Town presented testimony by Code Compliance Officer Parker concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Town Ordinance Section 2016. Officer Parker presented Backup material pertaining to the sanitary sewer system that was entered into evidence as Town's Composite Exhibit A through E. Officer Parker cited the property on June 5, 2009 with a compliance date of July 6, 2009 for failing to connect to the sanitary sewer system. Officer Parker said that the re-inspection that was done via the Broward County Building Code Services web-site indicated that a permit application had not been submitted for the sanitary sewer hook-up. The Respondent was not present at the hearing.

CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 20-16.

KENNETH & DELISE BOWEN
CASE NUMBER: 09-KP-00699

IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

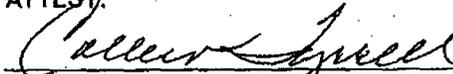
THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN NINETY (90) DAYS FROM THE HEARING DATE TO BRING THE VIOLATION INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE NINETY (90) DAY TIMEFRAME, A ONE HUNDRED FIFTY (\$150.00) DOLLAR FINE PER DAY WOULD COMMENCE. THE MAGISTRATE ALSO IMPOSED A ONE HUNDRED FIFTY (\$150.00) DOLLAR ADMINISTRATIVE FEE.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 5TH day of August, 2009 Lauderdale By The Sea, Florida.


Gordon B. Linn, Special Magistrate

ATTEST:


Colleen Tyrrell, Secretary for the Special Magistrate

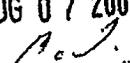
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

FILE
AUG 07 2009
BY: 

2
TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
4501 N. OCEAN DRIVE
Lauderdale-By-The-Sea, Florida 33308

CFN # 109313576
OR BK 47063 Pages 1045 - 1048
RECORDED 05/05/10 14:15:20
BROWARD COUNTY COMMISSION
DEPUTY CLERK 1037
#2. 4 Pages

BEFORE THE SPECIAL MAGISTRATE
ORDER IMPOSING FINE/CERTIFICATE OF LIEN

TOWN OF LAUDERDALE-BY-THE-SEA,

Petitioner

v.

Case No. 09-KP-00682⁹⁹

KENNETH & DELISE BOWEN
1937 SE 17TH COURT
Lauderdale-By-The-Sea, FL 33062

Respondent(s).

The above referenced case was heard on August 5, 2009 and Respondent did not appear at the hearing. A Notice of Violation was issued on June 5, 2009 with a correction date of July 6, 2009. Compliance was not gained on July 6, 2009. Special Magistrate ordered that the Respondent be given ninety (90) days from the hearing date to bring the property into compliance or a daily fine of One Hundred Fifty (\$150.00) Dollars would be assessed plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

The property located at 1937 S. E. 17th Court, Lauderdale-By-The-Sea, Florida, corresponding to Folio # 9307-01-1430, legally described as:
BEL-AIR 32-10 B LOT 23 BLK 5

Has not been brought into compliance and a daily fine of One Hundred Fifty (\$150.00) Dollars began to accrue on November 6, 2009 and continues to accrue until compliance is gained. The Final Order was mailed via Certified Mail on August 7, 2009 and a signed return receipt was received. On March 3, 2010 Notice of Certification of Lien Intent was sent via certified mail for the hearing date March 17, 2010 and a signed return receipt was received. Respondent was not present.

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of August 5, 2009 required the Respondent to bring the property into compliance ninety (90) days from the hearing date or be assessed a daily fine of One Hundred Fifty (\$150.00) Dollars. An Administrative Fee of One Hundred Fifty (\$150.00) Dollars was also imposed.

2. The Respondent has not brought the violation into compliance and the daily fine of One Hundred Fifty (\$150.00) Dollars continues to accrue as of November 6, 2009. Therefore, Special Magistrate imposes and certifies fines for the daily fine of One

CERTIFICATION
I certify this to be a true and correct copy of the record in my office.
WITNESSED by my hand and official seal of the Town of Lauderdale-By-The-Sea, Florida
6 day of May, 2010
June Wilson Town clerk

4

Hundred Fifty (\$150.00) Dollars that continues to accrue until compliance is gained plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

3. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by Respondent.

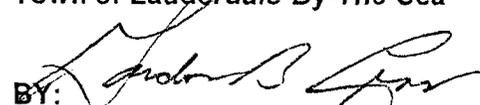
4. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 17th day of March, 2010.

ATTEST:

BY: 
Colleen Tyrrell, Secretary for the Special Magistrate

Special Magistrate of the
Town of Lauderdale-By-The-Sea

BY: 
Gordon B. Linn, Special Magistrate

() Personally known to me

Copies furnished to:

KENNETH & DELISE BOWEN
1937 SE 17TH COURT
Lauderdale-By-The-Sea, FL 33062

Albertelli Law/ for K Bowen
P. O. Box 23028
Tampa, FL 33623

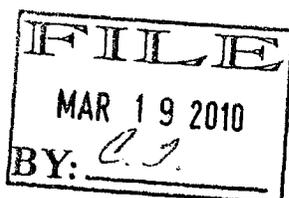


Exhibit 2

LAUDERDALE-BY-THE-SEA
RECEIVED

MAY 02 2011

DEVELOPMENT
SERVICES

TOWN OF LAUDERDALE-BY-THE-SEA

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308
Tel: (954) 776-0576
Fax: (954) 776-1857

APPLICATION FOR RELIEF FROM CODE ENFORCEMENT FINES OR LIENS

* No application will be accepted or processed unless all violations on the property have been placed in compliance by Code Enforcement

CASE # 10-CT-00106

TOWN OF LAUDERDALE-BY-THE-SEA vs. Kenneth and Delise Bowen
(Name of Respondent(s) as listed)

NAME OF APPLICANT: (Print): Deutsche Bank National Trust Co., et al.
(Person to attend Hearing) C/O Kelly E. ETKINS, P.A.

ADDRESS OF APPLICANT: Deutsche Bank National Trust Co., et al.
(Full mailing address) C/O Kelly E. ETKINS, P.A.
101 N.E. 31st Ave., Suite 1500, Ft. Lauderdale, FL
33301

PHONE NUMBER: (954) 332-3688

ADDRESS OF PROPERTY: 1937 SE 17th Ct., Lauderdale-by-the-sea, FL
(Where violation(s) existed) 33062

NATURE OF VIOLATION: Failing to procure the services of Choice Waste
for trash pick-up

THIS PROPERTY CURRENTLY IS IS NOT (check one) INVOLVED IN LITIGATION

All Applications for Relief (where applicable) MUST have the following documentation provided as part of the Application to be reviewed:

- ✓ 1. A copy of the Notice of Lis Pendens recorded with Broward County Records with the date, book and page shown;
- ✓ 2. A copy of the Foreclosure Complaint; Forfeiture
- ✓ 3. A copy of the Foreclosure Order, with the recording date, book and page shown;
- ✓ 4. A copy of the Final Summary Judgment of Foreclosure, with the recording date, book and page shown;
- ✓ 5. A copy of the Certification of Lien Order, with the recording date, book and page shown;
- ✓ 6. A copy of the new Certificate of Title, with the recording date, book and page shown;
- ✓ 7. A copy of the Town's Final Order of Imposition of Fine; and
- ✓ 8. A copy of the Claim of Lien(s) with the recording date, book and page shown.

Please provide a copy of these requirements with all Applications for Relief.

FACTORS RELEVANT TO APPLICATIONS FOR RELIEF:

- A. The nature and gravity of the violation(s);
- B. Any actions you have taken to correct the violation(s);
- C. The length of time between the previously ordered compliance date and the date the violation(s) was brought into compliance;
- D. Any actual costs you expended to cure the violation(s), if supported by documentation;
- E. Any other prior or current violations you committed on the subject property or upon any other property you own within the Town; and
- F. Equitable considerations.

WHY RELIEF SHOULD BE GRANTED (This section must be completed and, at a minimum, should address the above factors): please see attached letter.

(Attach additional pages if needed, along with any supporting documentation)

IF APPLICABLE:

Name Of Attorney/Representative: Kelly E. Etkins, P.A., Emm G. Whitebook, Esq.

Address: 101 N.E. 3rd Ave., Suite 1500, Ft. Lauderdale, FL 33301

Phone Number: (954) 332-3688

I CERTIFY THAT I am the current owner of the subject property or an Attorney for said owner, or that I am the legal representative for the property or otherwise authorized to act on behalf of the property owner in this matter.

[Signature]
Signature of Applicant

April 29, 2011
Date

LAUDERDALE-BY-THE-SEA
RECEIVED
MAY 02 2011
DEVELOPMENT
SERVICES

Law Office
KELLY E. ELKINS, P.A.
101 N.E. THIRD AVE., SUITE 1500
FORT LAUDERDALE, FLORIDA 33301
TEL. (954) 332-3688

May 11, 2011

**Via e-mail to Kimberly Williams at
KimW@lauderdalebythesea-fl.gov and
U.S. Mail**

Town of Lauderdale-by-the-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Re: Revised Letter in support of Application for Relief
Address: 1937 SE 17th Court, Lauderdale by the Sea, FL 33062
Case #: 10-CT-00106

To Whom It May Concern:

Deutsche Bank National Trust Co., as Trustee for American Home Mortgage Assets Trust 2007-3, Mortgage-Backed-Pass-Through Certificates Series 2007-3 (hereinafter "Deutsche Bank") respectfully requests that Relief be Granted for the following reasons.

Deutsche Bank is the current owner of the above-referenced property. However, at the time the violation occurred, the previous owners named hereto as the Respondents in the subject action, Kenneth and Delise Bowen, had title to the subject property. As such, Deutsche Bank did not have control of the property at the time the violation took place. Deutsche Bank acquired title to the subject property on November 9, 2010. *See attached Certificate of Title.* Upon learning of the code violations, Deutsche Bank has acted diligently to bring the property into compliance.

The nature of the violation was failing to procure the services of Choice Waste for trash pick-up. The trash service was suspended in February 2010. An Order was issued on June 16, 2010 requiring the property to be brought into compliance by July 16, 2010. The violation has since been cured by Deutsche Bank as the trash service with Choice Waste resumed on January 12, 2011.

There is another violation on the subject property, Case #, 09-KP-00699, which has also been cured. An application for Relief for this violation has also been submitted.

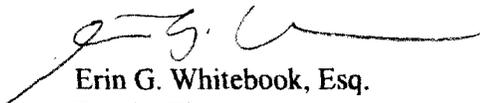
Deutsche Bank has a potential buyer for the subject property; however, due to the outstanding liens on the property the closing has been postponed.

Deutsche Bank paid approximately \$376.32 for the trash bill. At this time, the outstanding fines total \$18,000.00. A check in the amount of \$150.00 for the administrative fee has been submitted concurrently with this Application. Deutsche Bank respectfully requests that the outstanding fines be reduced to 25%, in the amount of \$4,500.00.

Thank you very much for your consideration and attention to this matter.

Most Respectfully,

Kelly E. Elkins, P.A.

A handwritten signature in black ink, appearing to read "Erin G. Whitebook", is written over the typed name.

Erin G. Whitebook, Esq.
For the Firm

Enclosures/

Law Office
KELLY E. ELKINS, P.A.
101 N.E. THIRD AVE., SUITE 1500
FORT LAUDERDALE, FLORIDA 33301
TEL. (954) 332-3688

April 28, 2011

Town of Lauderdale-by-the-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Re: Letter of Authorization for Application for Relief
Address: 1937 SE 17th Court, Lauderdale by the Sea, FL 33062
Case #: 10-CT-00106

To Whom It May Concern:

The undersigned law firm represents Deutsche Bank National Trust Co., as Trustee for American Home Mortgage Assets Trust 2007-3, Mortgage-Backed-Pass-Through Certificates Series 2007-3 (hereinafter "Deutsche Bank"). Deutsche Bank is the current owner of the above-referenced property. Deutsche Bank has provided us with authorization to submit this Application for Relief. Enclosed please find the Notice of Appearance and Certificate of Title.

Should you need any additional documentation or information, please feel free to contact me.

Thank you very much for your time and attention to this matter.

Most Respectfully,

Kelly E. Elkins, P.A.



Erin G. Whitebook, Esq.
For the Firm

Enclosure/

TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
CODE COMPLIANCE SPECIAL MAGISTRATE

TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA

CASE NUMBER: 10-CT-00106

PETITIONER,

VS.

Kenneth & Delise Bowen
1937 SE 17th Court
Lauderdale-By-The-Sea, FL 33062

RESPONDENT

NOTICE OF APPEARANCE AS COUNSEL

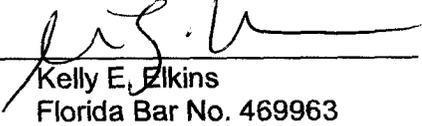
PLEASE TAKE NOTICE of the appearance of the undersigned law firm as counsel for Deutsche Bank National Trust Co., as Trustee for American Home Mortgage Assets Trust 2007-3, Mortgage-Backed-Pass-Through Certificates Series 2007-3 (hereinafter "Deutsche Bank"). Copies of any and all pleadings, motions, notifications, and other papers in this case should hereafter be directed to the undersigned law firm at the address indicated below.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that a copy of foregoing was served by U.S. mail to Town of Lauderdale-By-The-Sea, 4501 Ocean Dr., FL 33308 on this 20th day of April 2011.

KELLY E. ELKINS, P.A.
Attorneys for Defendant
101 NE Third Avenue, Suite 1500
Fort Lauderdale, Florida 33301
Telephone: (954) 332-3688
Facsimile: (954) 332-3736

By: _____


Kelly E. Elkins
Florida Bar No. 469963
Erin G. Whitebook
Florida Bar No. 0046335



Site Address	1937 OCEAN MIST DRIVE , LAUDERDALE BY THE SEA	ID #	4943 07 01 1430
Property Owner	DEUTSCHE BANK NATL TR CO TRSTEE	Millage	0211
Mailing Address	PO BOX 631730 IRVING TX 75063	Use	01

Legal Description	BEL-AIR 32-10 B LOT 23 BLK 5
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The just values displayed below were set in compliance with Sec. 193.011, Fla. Stat., and include a reduction for costs of sale and other adjustments required by Sec. 193.011(8).

Property Assessment Values					
Click here to see 2010 Exemptions and Taxable Values reflected on Nov. 1, 2010 tax bill.					
Year	Land	Building	Just Value	Assessed / SOH Value	Tax
2011	\$118,130	\$233,730	\$351,860	\$351,860	
2010	\$157,500	\$233,730	\$391,230	\$379,330	\$6,996.97
2009	\$153,120	\$216,240	\$369,360	\$369,360	\$6,605.11

IMPORTANT: The 2011 values currently shown are very preliminary numbers. Those numbers will change frequently online as we make various adjustments until they are finalized on June 1. Please check back here AFTER June 1, 2011, to see the actual proposed 2011 assessments and portability values.

2011 Exemptions and Taxable Values by Taxing Authority				
	County	School Board	Municipal	Independent
Just Value	\$351,860	\$351,860	\$351,860	\$351,860
Portability	0	0	0	0
Assessed/SOH	\$351,860	\$351,860	\$351,860	\$351,860
Homestead	0	0	0	0
Add. Homestead	0	0	0	0
Wid/Vet/Dis	0	0	0	0
Senior	0	0	0	0
Exempt Type	0	0	0	0
Taxable	\$351,860	\$351,860	\$351,860	\$351,860

Sales History				
Date	Type	Price	Book	Page
10/27/2010	CET-D	\$336,900	47520	1191
6/3/2004	WD	\$424,500	37780	185
2/14/2000	WD	\$226,000	30325	1912
12/28/1999	DRR		30196	736
12/28/1999	WD	\$200,000	30151	547

Land Calculations		
Price	Factor	Type
\$15.00	7,875	SF
Adj. Bldg. S.F. (See Sketch)		2655

Special Assessments					
Fire	Garbage	Light	Drainage	Improvement	Safe
02			LB		
R			LB		
1			1		

A 2

IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

AMERICAN HOME MORTGAGE SERVICING, INC., a Delaware Corporation, f/k/a AH MORTGAGE ACQUISITION CO., INC.,

GENERAL JURISDICTION DIVISION

Case No. 03044037

Florida Bar No. 605174

12

Plaintiff,

vs.

DELISI M. BOWEN; KENNETH E. BOWEN; SUNTRUST BANK; CHRISTOPHER CHIN-LOY; JOHN DOE and JANE DOE,

NOTICE OF LIS PENDENS

Defendants.

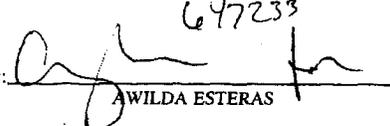
TO DEFENDANT(S): DELISE M. BOWEN; KENNETH E. BOWEN; SUNTRUST BANK; CHRISTOPHER CHIN-LOY; JOHN DOE and JANE DOE AND ALL OTHERS WHOM IT MAY CONCERN:

YOU ARE NOTIFIED of the institution of this action by Plaintiff against you seeking to foreclose a mortgage on the following property in Broward County, Florida:

Lot 23, in Block 5, of BEL-AIR, according to the plat thereof, as recorded in Plat Book 32, at Page 10, of the Public Records of Broward County, Florida.

DATED this 15th day of September, 2008.

ADORNO & YOSS LLP
Attorneys for Plaintiff
2525 Ponce de Leon Boulevard
Suite 400
Miami, Florida 33134
(305) 460-1000

By:  AWILDA ESTERAS

APP
1
7

**In the Circuit Court of the Seventeenth Judicial Circuit
In and for Broward County, Florida**

AMERICAN HOME MTG SERVICING ; AMERICAN HOME MTG
SERVICING
Plaintiff

CACE-08-044667
Division: 12

VS.

BOWEN, DELISE M ; BOWEN, KENNETH E ; SUNTRUST BANK ;
CHIN-LOY, CHRISTOPHER
Defendant

Certificate of Title

The undersigned, Howard C. Forman, Clerk of the Court, certifies that he executed and filed a certificate of sale in this action on October 27, 2010, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Broward County, Florida:

**LOT 23, BLOCK 5, BEL AIR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32,
PAGE 10 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA**

Property address: 1937 SE 17TH COURT, LAUDERDALE BY THE SEA, FL 33062

OFFICIAL COPY

Was sold to: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR AMERICAN HOME
MORTGAGE ASSETS TRUST 2007-3, MORTGAGE-BACKED PASS-THROUGH CERTIFICATES SERIES 2007-3
P.O. Box 631730 Irving, TX, 75063

Witness my hand and the seal of this court on November 09, 2010.



Howard C. Forman, Clerk of Circuit Courts
Broward County, Florida

Total consideration: \$336,900.00
Doc Stamps: \$2,358.30

17. *[Handwritten initials]*

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY FLORIDA.

CIVIL DIVISION (12)

CASE NO. 06-2008-CA-044667

FILED FOR RECORDS
CLERK OF CIRCUIT COURT
BROWARD COUNTY, FLORIDA
2010 JAN 25 PM 4:03
CIRCUIT CIVIL

AMERICAN HOME MORTGAGE SERVICING, INC., A DELAWARE CORPORATION, F/K/A AH MORTGAGE ACQUISITION CO., INC., Plaintiff(s).

vs.

DELISE M. BOWEN; KENNETH E. BOWEN; SUNTRUST BANK; CHRISTOPHER CHIN-LOY; JOHN DOE AND JANE DOE Defendant(s).

THIS IS NOT AN OFFICIAL COPY

FINAL JUDGMENT OF FORECLOSURE

THIS ACTION was heard before the Court on Plaintiff's Motion for Summary Final Judgment on January 25, 2010. On the evidence presented,

IT IS ADJUDGED that:

1. The Plaintiff's Motion for Summary Judgment is GRANTED. Service of process has been duly and regularly obtained over Delise M. Bowen Kenneth E. Bowen; Suntrust Bank; and Christopher Chin-Loy defendants.

2. There is due and owing to the Plaintiff the following:

Principal due on the note secured by the mortgage foreclosed:	\$671,599.84
Interest on the note and mortgage from November 1, 2007 to January 25, 2010	\$116,337.92
Title search expenses	\$325.00
Taxes for the year(s) of 2008	\$14,463.27
Insurance Premiums	\$40,890.94

Court Costs:	
Filing Fee	\$

SUBTOTAL \$843,616.97

Additional Costs:	
Pre-Accelerated Late Charges through July 16, 2009	\$3,385.06
Property Inspections	\$ 134.40
BPO/APPRaisal	\$ 390.00
ACQUISITION FEE	\$ 106.00

SUBTOTAL \$847,632.43

Attorney fees based upon 8 hours at \$162.50 per hour \$1,300.00

4

GRAND TOTAL

\$848,932.43

3. The grand total amount referenced in Paragraph 2 shall bear interest from this date forward at the prevailing legal rate of interest.

4. Plaintiff, whose address is c/o American Home Mortgage Servicing, Inc., P.O. Box 631730, Irving, TX 75063, holds a lien for the grand total sum specified in Paragraph 2 herein. The lien of the Plaintiff is superior in dignity to any right, title, interest or claim of the defendants and all persons, corporations, or other entities claiming by, through, or under the defendants or any of them and the property will be sold free and clear of all claims of the defendants, with the exception of any assessments that are superior pursuant to Florida Statutes, Section 718.116 and Section 720.3085. The Plaintiff's lien encumbers the subject property located in Broward County, Florida and described as:

LOT 23, BLOCK 5, BEL-AIR, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 32, PAGE 10 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA

Property address: 1937 SE 17TH COURT, LAUDERDALE BY THE SEA, FL 33062

5. If the grand total amount with interest at the rate described in Paragraph 3 and all costs accrued subsequent to this judgment are not paid, the Clerk of the Court shall sell the subject property at public sale on March 31 20 10 at 11:00AM, to the highest bidder for cash, except as prescribed in Paragraph 6, at Room 385 on the 3rd Floor of the Broward County Courthouse, 201 S.E. 6th Street, Fort Lauderdale, FL 33301, after having first given notice as required by Section 45.031, Florida Statutes. The Clerk shall not conduct the sale in the absence of the Plaintiff or its representative.

6. Plaintiff shall advance all subsequent costs of this action in addition to any advances to protect its collateral and shall be reimbursed for them by the Clerk if Plaintiff is not the purchaser of the property for sale. If Plaintiff is the purchaser, the Clerk shall credit Plaintiff's bid with the total sum with interest and costs accruing subsequent to this judgment, or such part of it, as is necessary to pay the bid in full. The Clerk shall receive the service charge imposed in Section 45.031, Florida Statutes, for services in making, recording, and certifying the sale and title that shall be assessed as costs.

7. On filing of the Certificate of Sale, defendant's right of redemption as prescribed by Florida Statutes, Section 45.0315 shall be terminated.

8. On filing the Certificate of Title, the Clerk shall distribute the proceeds of the sale, so far as they are sufficient, by paying: first, all of the Plaintiff's costs; second, documentary stamps affixed to the Certificate; third, Plaintiff's attorneys' fees; fourth, the total sum due to the Plaintiff, less the items paid, plus interest at the rate prescribed in paragraph 2 from this date to the date of the sale. During the sixty (60) days after the Clerk issues the certificate of disbursements, the Clerk shall hold the surplus pending further Order of this Court.

9. Upon filing of the Certificate of Title, defendant and all persons claiming under or against defendant since the filing of the Notice of Lis Pendens shall be foreclosed of all estate or claim in the property and the purchaser at sale shall be let into possession of the property.

10. The Court finds, based upon the affidavits presented and upon inquiry of counsel for the Plaintiff, that 8 hours were reasonably expended by Plaintiff's counsel and that an hourly rate of \$162.50 is appropriate. PLAINTIFF'S COUNSEL REPRESENTS THAT THE ATTORNEY FEE AWARDED DOES NOT EXCEED ITS CONTRACT FEE WITH THE PLAINTIFF. The Court finds that there are no reduction or enhancement factors for consideration by the Court pursuant to Florida Patient's Compensation Fund v. Rowe, 472 S.2d 1145 (Fla. 1985).

11. NOTICE PURSUANT TO AMENDMENT TO SECTION 45.031, FLA. ST. (2006).

IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THE FINAL JUDGMENT.

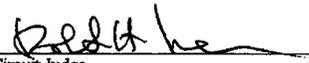
IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK NO LATER THAN SIXTY (60) DAYS AFTER THE SALE. IF YOU FAIL TO FILE A CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, BROWARD COUNTY CLERK OF COURT BROWARD COUNTY COURTHOUSE ATTN: FORECLOSURE 201 S E 6TH STREET, ROOM 230 FORT LAUDERDALE, FL 33301, [TELEPHONE: 954-831-5745 GENERAL NOTICE OF ACTIONS 954-831-5742], WITHIN TEN (10) DAYS AFTER THE SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

~~THIS IS NOT AN~~
IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU, TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO PAY AN ATTORNEY, YOU MAY CONTACT LEGAL AID SERVICE OF BROWARD COUNTY INC., 491 N. STATE ROAD 7, PLANTATION, FL 33317 TELEPHONE: (954) 765-8950, TO SEE IF YOU QUALIFY FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT FLORIDA RURAL LEGAL SERVICES, YOU SHOULD DO SO AS SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

12. If Plaintiff is the successful purchaser at the foreclosure sale, Plaintiff may assign the successful bid without further order of this court.
13. The Court finds that Plaintiff has standing to seek and receive the relief obtained herein.
14. Any funds payable from third party funds including attorney fees and costs shall be made payable to Plaintiff.
15. The Court retains jurisdiction of this action to enter further orders that are proper, including, without limitation, deficiency judgments.
16. The court finds that Plaintiff is the proper party with standing to bring this action.

ORDERED at Broward County, Florida on Jan 25th, 2010


Circuit Judge

SC-09-22123

ROBERT H. NEWMAN

Copies furnished to:
Albertelli Law
P.O. Box 23028
Tampa, FL 33623

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Miami, FL 33116-6245

Kenneth E. Bowen
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Miami, FL 33116-6245

Suntrust Bank
c/o Legal Department
303 Peachtree Street, NE Suite 3600
Atlanta, GA 30302

Christopher Chin-Loy
2310 Northwest 55th Court, Suite 136
Fort Lauderdale, FL 33309

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TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
CODE COMPLIANCE SPECIAL MAGISTRATE

CASE NUMBER: 10-CT-00106

TOWN OF LAUDERDALE BY THE SEA,
MUNICIPAL CORPORATION OF FLORIDA

PETITIONER

VS.

Kenneth & Delise Bowen
1937 SE 17th Court
Lauderdale-By-The-Sea, FL 33062.

RESPONDENT

FINAL ORDER

HEARING DATE: June 16, 2010

VIOLATION(S): Suspension of trash service for nonpayment. Must maintain trash service with Choice Waste. See a record

CODE SECTION: 10-27

An Administrative hearing was held before the Special Magistrate on June 16, 2010. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at:
1937 SE 17th Court, Lauderdale-By-The-Sea, FL 33062 and more particularly described as follows:

Tax Folio Number (Property I.D.): 9307-01-1430

At the hearing held on this matter on June 16, 2010 the Petitioner Town presented testimony by Code Compliance Officer Kimberly Williams concerning her personal knowledge of the existence of the subject violation(s), and entered into the record evidence of notice required under Chapter 162 Florida Statutes. Officer Williams said that she has been in contact with the property owner and due to financial issues, Mr. Bowen has not been able to reinstate trash service with Choice. Officer Williams said that the property still was not in compliance. Respondent Kenneth Bowen was present at the hearing and explained that Choice Waste would not accept a payment plan and he was doing everything possible to get the money to reinstate service.

CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Petitioner Town has met its burden of providing by substantial competent evidence that alleged violation(s) does in fact exist on the subject property but was not in compliance at or prior to the subject hearing.

ORDER

THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE UNDERSIGNED SPECIAL MAGISTRATE FINDS THE RESPONDENT(S) GUILTY OF VIOLATING: CODE SECTION 10-27.

Kenneth & Delise Bowen
CASE NUMBER: 10-CT-00106

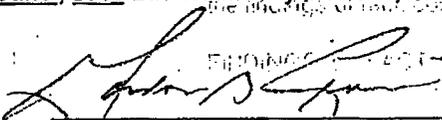
IN DETERMINING THE FINE AMOUNT TO BE IMPOSED, CONSIDERATION WAS GIVEN TO: (1) THE GRAVITY OF THE VIOLATION(S), (2) ANY ACTIONS TAKEN BY THE RESPONDENT(S) TO CORRECT THE VIOLATION(S); AND (3) ANY PREVIOUS VIOLATION(S) COMMITTED BY THE RESPONDENT(S).

FINALLY, THE PETITIONER, TOWN, VERIFIED THAT THE VIOLATION WAS NOT IN COMPLIANCE AT THE TIME OF THE HEARING.

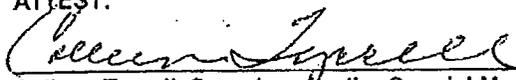
THE SPECIAL MAGISTRATE ORDERS THAT THE RESPONDENT BE GIVEN THIRTY (30) DAYS FROM THE HEARING DATE TO BRING THE PROPERTY INTO COMPLIANCE. FAILURE TO ABATE THE VIOLATION WITHIN THE THIRTY (30) DAY TIMEFRAME, A ONE HUNDRED (\$100.00) DOLLAR FINE PER DAY WOULD BE ASSESSED UNTIL COMPLIANCE IS GAINED. THE SPECIAL MAGISTRATE ALSO IMPOSED A ONE HUNDRED FIFTY (\$150.00) DOLLAR ADMINISTRATIVE FEE. THE SPECIAL MAGISTRATE ADVISED THE RESPONDENT TO KEEP OFFICER WILLIAMS INFORMED OF THE SITUATION IN THE EVENT THE RESPONDENT NEEDED TO RETURN FOR ANOTHER HEARING.

THE TOWN MAY AVAIL ITSELF OF ALL LEGAL REMEDIES AVAILABLE TO IT, INCLUDING THE FORECLOSURE OF THE LIEN.

Done and Ordered this 16TH day of June, 2010 Lauderdale By The Sea, Florida.


Gordon B. Linn, Special Magistrate

ATTEST:


Colleen Tyrrell, Secretary for the Special Magistrate

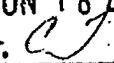
Cc to: N/A

Note: Please make your check payable to:

Town of Lauderdale-By-The-Sea

Please send your check to:

4501 Ocean Drive
Lauderdale-By-The-Sea, FL 33308

FILE
JUN 18 2010
BY: 

TOWN OF LAUDERDALE BY THE SEA
MUNICIPAL CORPORATION OF FLORIDA
4501 N. OCEAN DRIVE
Lauderdale-By-The-Sea, Florida 33308

CFN # 109640193
OR BK 47444 Pages 1434 - 1437
RECORDED 10/13/10 09:40:23 AM
BROWARD COUNTY COMMISSION
DEPUTY CLERK 1043
#3, 4 Pages

BEFORE THE SPECIAL MAGISTRATE
ORDER IMPOSING FINE/CERTIFICATE OF LIEN

TOWN OF LAUDERDALE-BY-THE-SEA,

Petitioner

v.

Case No. 10-CT-00106

Kenneth E. Bowen
Dalise M. Bowen
1937 SE 17th Court
Lauderdale by the Sea, FL 33062

Respondent(s).

CERTIFICATION
I certify this to be a true and correct copy of the
record in my office.
WITNESSED by my hand and official seal of the Town
of Lauderdale-By-The-Sea, Florida
13th day of October, 20 10
Paul White CMC Town clerk

The above referenced case was heard on June 16, 2010 and the Respondent did appear at the hearing. A Notice of Violation was issued on March 10, 2010 with a correction date of March 13, 2010. Compliance was not gained on March 13, 2010. The Special Magistrate ordered that the Respondent be given thirty (30) days from the hearing date to bring the property into compliance or a daily fine of One Hundred (\$100.00) Dollars would be assessed plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars was imposed.

The property located at 1937 SE 17th Court, Lauderdale-By-The-Sea, Florida, corresponding to Folio # 9307-01-1430, legally described as:
BEL-AIR 32-10 B LOT 23 BLK 5

~~Has not been brought into compliance and a daily fine of One Hundred (\$100.00) Dollars began to accrue on July 16, 2010 and continues to accrue until compliance is gained. The Final Order was mailed via Certified Mail on June 18, 2010. On August 17, 2010 Notice of Certification of Lien Intent was sent via certified mail for the hearing date September 15, 2010. Respondent was not present at the hearing.~~

Therefore, pursuant to Section 162.09, Florida Statutes, the Special Magistrate certifies as follows:

1. The Order of June 16, 2010 required the Respondent to bring the property into compliance thirty days (30) days from the hearing date or be assessed a daily fine of One Hundred (\$100.00) Dollars. In addition, an Administrative Fee of One Hundred Fifty (\$150.00) Dollars was imposed.



2. The Respondent has not brought the violation into compliance, and the Respondent has continued to violate the order of June 16, 2010 by not paying the Administrative Fee of One Hundred Fifty (\$150.00) Dollars and the daily fine of One Hundred (\$100.00) Dollars that continues to accrue for the period of non-compliance. At the September 15, 2010 Certification of Lien Hearing, testimony indicates that the fines due and owing for the period of non-compliance have reached Six Thousand Two Hundred (\$6,200.00) Dollars plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

3. Therefore, Special Magistrate imposes and certifies fines for the daily fine of One Hundred (\$100.00) Dollars that continues to accrue for the period of non-compliance plus an Administrative Fee of One Hundred Fifty (\$150.00) Dollars.

4. That this Certification, together with the original Final Order, be recorded in the Public Records of the Office of the Clerk of the Circuit Court in and for Broward County, Florida. Pursuant to Section 162.09, Florida Statutes, these documents, once recorded, shall constitute a lien against the land on which the violation(s) exists, and upon any other real or personal property owned by Respondent.

5. If any person desires to appeal, pursuant to Section 162.11, Florida Statutes, such person will need a record of the proceedings which includes the testimony and evidence upon which the appeal is based.

Certification of Lien ordered at Lauderdale-By-The-Sea this 15th day of September, 2010.

ATTEST:

BY: Colleen Tyrrell
Colleen Tyrrell, Secretary for the Special Magistrate

Special Magistrate of the
Town of Lauderdale-By-The-Sea

BY: Gordon B. Linn
Gordon B. Linn, Special Magistrate

() Personally known to me

Copies furnished to:

