

IN THE CIRCUIT COURT OF THE 11TH
JUDICIAL CIRCUIT, IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO.

CITY OF NORTH MIAMI,
a Florida Municipal corporation,

Plaintiff,

v.

ALHAMBRA HEIGHTS 12351, LLC and
MIAMI-DADE COUNTY,

Defendants.

FORECLOSURE COMPLAINT

COMES NOW, Plaintiff, CITY OF NORTH MIAMI, a Municipal Corporation, ("CITY"), hereby sues Defendants, ALHAMBRA HEIGHTS 12351, LLC and MIAMI-DADE COUNTY, and as grounds thereof says:

1. This is an action to foreclose certain code enforcement liens and for money damages in an amount in excess of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest, costs and attorney's fees.

JURISDICTION AND PARTIES

2. The CITY is a municipal corporation lying wholly within Miami-Dade County, Florida, and exercising powers pursuant to Article VIII, Section 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes, The Municipal Home Rule Powers Act, as well as Chapter 162, Florida Statutes.

3. Defendant, ALHAMBRA HEIGHTS 12351, LLC, is the owner of the real property at issue located in Miami-Dade County, Florida.

4. The real property at issue in this action is located in Miami-Dade County, Florida.

5. Jurisdiction and venue is proper in this Court as the real property at issue is located in Miami-Dade County, Florida and the Defendant conducts business transactions in relation to this property within Miami-Dade County, Florida.

COUNT I - FORECLOSURE

6. Defendant, ALHAMBRA HEIGHTS 12351, LLC, owns the following described real property lying and being in the City of North Miami, Miami-Dade County, Florida:

Lots 1 through 12 Inc. & Lots 30 & 31, Block 28, of ALHAMBRA HEIGHTS, according to the Plat thereof, recorded in Plat Book 62, Page 74 of the Public Records of Miami-Dade County, Florida

Property Address: 12351 N.W. 7 Avenue, North Miami, Florida

Parcel ID/Folio No. 06-2125-018-1630

7. The above described property is not homestead property.

8. Plaintiff incorporates and alleges the allegations in paragraphs 1 through 5 above.

9. On or about February 19, 2013, a Notice of Lien was recorded in the Official Records of Miami-Dade County, Florida at Official Records Book 28494, Page 2450, a copy of which is attached hereto and made a part hereof as Exhibit "A;" and

10. On or about July 1, 2015, an Order Imposing Fine and Authorizing Lien was entered by the City of North Miami Code Enforcement Special Magistrate against the property. On July 20, 2015, Plaintiff recorded the lien in the Official Records of Miami-Dade County, Florida at Official Records Book 29703, Pages 3331-3332, a copy of which is attached hereto and made a part hereof as Exhibit "B;" and

11. On or about November 9, 2015, an Order Imposing Fine and Authorizing Lien was entered by the City of North Miami Code Enforcement Special Magistrate against the property. On November 23, 2015, Plaintiff recorded the lien in the Official Records of Miami-Dade County, Florida at Official Records Book 29863, Pages 436-437, a copy of which is attached hereto and made a part hereof as Exhibit "C;" and

12. On or about July 6, 2016, an Order Imposing Fine and Authorizing Lien was entered by the City of North Miami Code Enforcement Special Magistrate against the property. On August 5, 2016, Plaintiff recorded the lien in the Official Records of Miami-Dade County, Florida at Official Records Book 30181, Pages 4341-4342, a copy of which is attached hereto and made a part hereof as Exhibit "D;" and

13. On or about March 15, 2016, an Order Imposing Lien was entered by the City of North Miami Code Enforcement Special Magistrate against the property. On March 31, 2016, Plaintiff recorded the lien in the Official Records of Miami-Dade County, Florida at Official Records Book 30019, Pages 2002-2003, a copy of which is attached hereto and made a part hereof as Exhibit "E;" and

14. There is due and owing to the CITY as a result of certain code enforcement procedures a total sum in excess of Fifteen Thousand Dollars (\$15,000.00) as follows:

(a) Under the lien described on Exhibit "A", a fine was imposed in the amount of \$1,420.72 plus interest, and **\$2,286.01** remains due and owing;

(b) Under the lien described on Exhibit "B", a fine was imposed in the amount of \$100.00 per day commencing July 1, 2015, and **\$86,338.50** remains due and owing pursuant to the violations enumerated in Exhibit B;

(c) Under the lien described on Exhibit "C", a fine was imposed in the amount of \$100.00 per day commencing November 4, 2015, and **\$73,838.50** remains due and owing pursuant to the violations enumerated in Exhibit C;

(d) Under the lien described on Exhibit "D", a fine was imposed in the amount of \$200.00 per day commencing August 15, 2016, and **\$90,438.50** remains due and owing pursuant to the violations enumerated in Exhibit D;

(e) Under the lien described on Exhibit "E", a lien was recorded in the amount of \$500.00, and **\$538.50** remains due and owing;

15. Defendant, MIAMI-DADE COUNTY, may claim some right, title or interest in the property by virtue of the Notice of Tax Lien recorded in Official Records Book 30559, Page 3836 of the Public Records of Miami-Dade County, Florida.

16. Defendant, ALHAMBRA HEIGHTS 12351, LLC, has failed to pay the amounts due and owing regarding any of the liens attached in Exhibits "A" through "E" and said amounts continue to be owed to Plaintiff.

17. Plaintiff is the owner and holder of all of the liens attached in Exhibits "A" through "E."

18. The original violations continue to exist on the Property. As a result, penalty fines in the approximate amount of **two hundred fifty three thousand four**

hundred forty dollars and one cent (\$253,440.01) has accrued since the Notices of Lien and Orders Imposing Fine and authorizing Lien were recorded, and the daily fines and interest continue to accrue each and every day the violation continues to exist on the Property.

19. Pursuant to Florida Statute §162.09, Plaintiff may initiate foreclosure actions to obtain payment code enforcement liens.

20. All conditions precedent to the establishment and enforcement of the City's code enforcement liens recorded in the Public Records of Miami-Dade County, Florida, have occurred or have otherwise been waived.

21. Plaintiff is entitled to recover its reasonable attorney's fees incurred in this action pursuant to Section 162.10, Florida Statutes.

WHEREFORE, the CITY prays that:

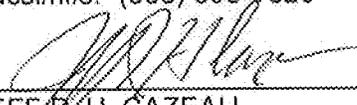
- (a) The Court takes jurisdiction of this matter and the parties;
- (b) The Court will ascertain the amount of money due Plaintiff pursuant to all of the Liens that Plaintiff is entitled to recover in this action, plus interest thereon;
- (c) The Court decree that Plaintiff has a lien on the property described herein for the sum of money found to be due to Plaintiff; and
- (d) If the sums due to Plaintiff are not paid immediately, the Court shall foreclose all of the liens, and the Clerk of Court shall sell the property to satisfy all of the liens; and

- (e) The Court declares that all other liens inferior to the liens of the CITY described herein and foreclose the CITY's liens referenced herein; and
- (f) The Court award attorney's fees, interest and costs, and
- (g) The Court retain jurisdiction in order to make all such further orders and judgments as may be necessary and proper including the issuance of a Writ of Possession or a deficiency judgment; and
- (h) The Court grant such other and further relief as Plaintiff may be entitled to receive.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF NORTH MIAMI
776 N.E. 125th Street
North Miami, FL 33161
Telephone: (305) 895-9810
Facsimile: (305) 895-7029

By: _____


JEFF P. H. CAZEAU
City Attorney
Florida Bar No. 605905
Primary Email: cityattorney@northmiamifl.gov
Secondary Email: jcazeau@northmiamifl.gov
JENNIFER LYNN WARREN
Deputy City Attorney
Florida Bar No. 42834
Primary Email: cityattorney@northmiamifl.gov
Secondary Email: jwarren@northmiamifl.gov

EXHIBIT

“A”



CFN 2013RD131390
 DR Bk 28494 Pg 2450; (1pg)
 RECORDED 02/19/2013 09:52:31
 HARVEY RUVIN, CLERK OF COURT
 MIAMI-DADE COUNTY, FLORIDA
 LAST PAGE

CITY OF NORTH MIAMI

NOTICE OF LIEN

NOTICE IS HEREBY GIVEN of the intention of the City of North Miami, Florida to hold a lien in the amount of \$1,436.47 against that certain real property located at 12351 NW 7 AVE North Miami, Florida, County

of Dade more properly described as: (Legal Description)
0000000000000000 25 52 41 PB 17-54 ALHAMBRA HEIGHTS LOTS 1 T
O 12 INC & LOTS 30 & 31 BLK 28 LOT SIZE IRREGULAR

COUNTY FOLIO: 0621250181630000
 CITY'S LIEN NUMBER: 15482

Said lien is authorized pursuant to Article VI of Chapter 2 the code of Ordinances of the City of North Miami, Florida, for the following utility services to the aforementioned location on the date or dates specified herein:

UTILITY SERVICES TO : 06-30-11	
ACCOUNT NUMBER	: 01-04-15500-01
IN THE AMOUNT OF	: \$1,420.72
PLUS	: \$15.75
TOTAL AMOUNT DUE CITY OF NORTH MIAMI : \$1,436.47	

Said labor and/or services being authorized in accordance with Chapter 19 of the code of ordinances of the city of North Miami, Florida.

The City claims a lien on the real property herein described along with interest, costs and reasonable attorney's fees.

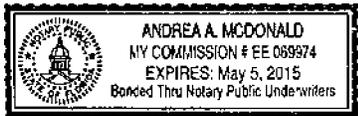
Under oath, I have hereunto affixed the official seal of the City of North Miami, Florida this 07th day of FEBRUARY, 2013 .



Vernon Paul Jr.
 VERNON PAUL JR.
 FINANCE DIRECTOR

Sworn to and subscribed before me this 7th day of February, A.D., 2013. PERSONALLY KNOW TO ME DID TAKE AN OATH

Andrea A. McDonald
 Notary Public



(This instrument was prepared by: CHRISTINA HIBBERT- LIENS (RECEIVABLE ACCOUNT CLERK - City of North Miami 776 N.E.) (125th Street - North Miami, Florida 33161)

EXHIBIT
“B”

Return to:

Code Compliance Unit
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161



CFN 2015R0464384
DR BK 29703 Pgs 3331-3332 (2Pgs)
RECORDED 07/20/2015 11:52:27
HARVEY RUVIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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Office of the Code Enforcement Special Magistrate

776 N.E. 125th Street, North Miami, FL 33161

Case #: CELSC-2015-00002

CITY OF NORTH MIAMI,
Plaintiff,
vs.

IRVING J DENMARK, OR CURRENT PROPERTY OWNER(S)
Defendant(s).

Order Imposing Fine And Authorizing Lien

Name of Violator: **IRVING J DENMARK, OR CURRENT PROPERTY OWNER(S)**

Violation Address: **12351 NW 7 AVE**

Folio Number: **0621250181630**

Legal Description: **25 52 41 PB 17-54ALHAMBRA HEIGHTSLOTS 1 TO 12 INC & LOTS 30 & 31BLK 28LOT SIZE IRREGULAR**

THIS MATTER was heard by the Special Magistrate of the City of North Miami, Florida upon notification by the Code Enforcement Officer that a violation pursuant to Section 29-5-1203 (B) of the Code of the City of North Miami, and Section 162.09, Florida Statutes, has occurred and the hereby orders as follows:

1. IRVING J DENMARK, OR CURRENT PROPERTY OWNER(S) was found guilty of violating Section 29-5-1203 (B) of the Code of Ordinances of the City of North Miami, LANDSCAPING
2. Pursuant to the power vested in the Special Magistrate by virtue of Section 162.09, F.S., and the Code of Ordinances of the City of North Miami, as amended, a fine of \$100.00 per day commencing 07/01/2015, is hereby assessed. There is also assessed interest and other costs, including costs incurred in the prosecuting of the case before the Special Magistrate as provided by law.
3. Said fine and cost are hereby declared to be a lien against the land on which the violation exists and upon any other real or personal property owned by the defendant(s), and shall continue to accrue for each day the violation continues. The City of North Miami shall be entitled to collect all costs incurred in recording and satisfying such lien, pursuant to Chapter 162, Florida Statutes.

UPON COMPLIANCE, IT IS THE DEFENDANT(S) RESPONSIBILITY TO NOTIFY THE CODE ENFORCEMENT OFFICER OF THE CITY IN ORDER TO OBTAIN A COMPLIANCE INSPECTION TO STOP THE FINE FROM RUNNING.

4. In determining the amount of the fine, the Code Enforcement Special Magistrate has considered the following factors:
 - (a) The gravity of the violation;
 - (b) Any actions taken by the Defendants(s) to correct the violation; and
 - (c) Any previous violations committed by the Defendant(s).

5. A certified copy of this Order shall be recorded in the public records and shall constitute a lien pursuant to Section 162.09, F.S., and may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes.

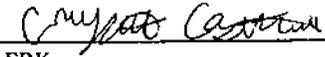
6. In the event further proceedings are initiated by the Code Enforcement Officer, the Code Enforcement Special Magistrate reserves the right to subpoena defendant(s) and to assess additional fines and take whatever steps are necessary to bring a violation into compliance.

DONE AND ORDERED at the Office of the Code Enforcement Special Magistrate, at the City of North Miami, Miami-Dade County, Florida, this 01 day of JULY, 2015.

CITY OF NORTH MIAMI


CODE ENFORCEMENT SPECIAL MAGISTRATE

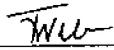
ATTEST:


CLERK

DR BK 29703 PG 3332

ACKNOWLEDGEMENT

On this 10 day of July, 2015, the Code Enforcement Special Magistrate, and the Clerk of the Code Enforcement Special Magistrate, personally appeared before me and acknowledged the execution of this Order. Both aforementioned persons are personally known to me.


Signature, Notary Public, State of Florida



TAKISHA S. WILLIAMS
MY COMMISSION # FF 092655
EXPIRES: March 29, 2018
Banded thru Budget Notary Services

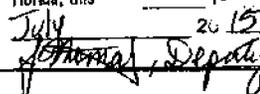
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CERTIFICATION

I certify this to be a true and correct copy of the document in my office.

Witnessed by the name and official seal of the City of NORTH MIAMI

Florida, this 13th day of

July, 2015
 Deputy City Clerk

Copies Furnished to: Defendant(s)
Case File
Lien Clerk, City of North Miami

EXHIBIT
“C”

Return to:

Code Compliance Unit
City of North Miami
776 N.E. 125th Street
North Miami, FL 33161



CFN 20150744570
OR BK 29863 Pgs 436-437 (2Pgs)
RECORDED 11/23/2015 09:36:02
HARVEY RUBIN, CLERK OF COURT
MIAMI-DADE COUNTY, FLORIDA

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Office of the Code Enforcement Special Magistrate

776 N.E. 125th Street, North Miami, FL 33161

Case #: CEAPV-2014-00005

CITY OF NORTH MIAMI,

Plaintiff,

vs.

IRVING J DENMARK, OR CURRENT PROPERTY OWNER(S)

Defendant(s).

Order Imposing Fine And Authorizing Lien

Name of Violator: **IRVING J DENMARK, OR CURRENT PROPERTY OWNER(S)**

Violation Address: **12351 NW 7 AVE**

Folio Number: **0621250181630**

Legal Description: **25 52 41 PB 17-54ALHAMBRA HEIGHTSLOTS 1 TO 12 INC & LOTS 30 & 31BLK 28LOT SIZE IRREGULAR**

THIS MATTER was heard by the Special Magistrate of the City of North Miami, Florida upon notification by the Code Enforcement Officer that a violation pursuant to Section 12-30 of the Code of the City of North Miami, and Section 162.09, Florida Statutes, has occurred and the hereby orders as follows:

1. IRVING J DENMARK, OR CURRENT PROPERTY OWNER(S) was found guilty of violating Section 12-30 of the Code of Ordinances of the City of North Miami, .ABANDONED/VACANT PROPERTY VIOLATIONS
2. Pursuant to the power vested in the Special Magistrate by virtue of Section 162.09, F.S., and the Code of Ordinances of the City of North Miami, as amended, a fine of \$100.00 per day commencing 11/04/2015, is hereby assessed. There is also assessed interest and other costs, including costs incurred in the prosecuting of the case before the Special Magistrate as provided by law.
3. Said fine and cost are hereby declared to be a lien against the land on which the violation exists and upon any other real or personal property owned by the defendant(s), and shall continue to accrue for each day the violation continues. The City of North Miami shall be entitled to collect all costs incurred in recording and satisfying such lien, pursuant to Chapter 162, Florida Statutes.

UPON COMPLIANCE, IT IS THE DEFENDANT(S) RESPONSIBILITY TO NOTIFY THE CODE ENFORCEMENT OFFICER OF THE CITY IN ORDER TO OBTAIN A COMPLIANCE INSPECTION TO STOP THE FINE FROM RUNNING.

4. In determining the amount of the fine, the Code Enforcement Special Magistrate has considered the following factors:
 - (a) The gravity of the violation;
 - (b) Any actions taken by the Defendants(s) to correct the violation; and
 - (c) Any previous violations committed by the Defendant(s).