

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 635, LLC and MIAMI-
DADE COUNTY,

Defendants.

FORECLOSURE COMPLAINT

COMES NOW, Plaintiff, CITY OF NORTH MIAMI, a Municipal Corporation, ("CITY"), hereby sues Defendants, ALHAMBRA HEIGHTS 635, LLC, 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 635, 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 635, LLC, owns the following described real property lying and being in the City of North Miami, Miami-Dade County, Florida:

Lot 27, Block 28, of ALHAMBRA HEIGHTS, according to the Plat thereof, recorded in Plat Book 17, Page 54 of the Public Records of Miami-Dade County, Florida

Property Address: 635 N.W. 123 Street, North Miami, Florida

Parcel ID/Folio No. 06-2125-018-1750

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 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 3333-3334, a copy of which is attached hereto and made a part hereof as Exhibit "A;" and

10. 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 \$100.00 per day commencing July 1, 2015, and **\$67,309.90** remains due and owing pursuant to the violations enumerated in Exhibit A;

11. Defendant, ALHAMBRA HEIGHTS 635, LLC, has failed to pay the amounts due and owing regarding the lien attached in Exhibit "A" and said amounts continue to be owed to Plaintiff.

12. Plaintiff is the owner and holder of all of the lien attached in Exhibits "A."

13. The original violations continue to exist on the Property. As a result, penalty fines in the approximate amount of **sixty seven thousand three hundred nine dollars and ninety cents (\$67,309.90)** has accrued since the Order Imposing Fine and authorizing Lien was recorded, and the daily fines and interest continue to accrue each and every day the violation continues to exist on the Property.

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

15. 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.

16. 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:

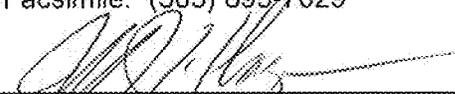
- (a) The Court takes jurisdiction of this matter and the parties;
- (b) The Court will ascertain the amount of money due Plaintiff pursuant to all of the Liens that Plaintiff is entitled to recover in this action, plus interest thereon;
- (c) The Court decree that Plaintiff has a lien on the property 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: _____


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EXHIBIT

“A”

Return to:

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



CFN 2015R0464385
OR BK 29703 Pgs 3333-3334 (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 #: CEJNK-2015-00055

CITY OF NORTH MIAMI,
Plaintiff,
vs.

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

Order Imposing Fine And Authorizing Lien

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

Violation Address: **635 NW 123 ST**

Folio Number: **0621250181750**

Legal Description: **25 52 41ALHAMBRA HGTS PB 17-54LOT 27 LESS ELY PORT LYG IN
N-SEXPWY BLK 28LOT SIZE 32.600 X 135**

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 10-19 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 TR, OR CURRENT PROPERTY OWNER(S) was found guilty of violating Section 10-19 of the Code of Ordinances of the City of North Miami, JUNK ON PROPERTY
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.

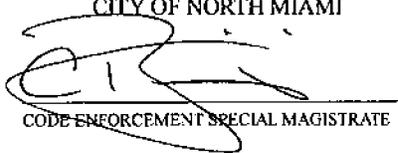
UPON COMPLIANCE, IT IS THE DEFENDANT(S) RESPONSIBILITY TO NOTIFY THE CODE ENFORCEMENT OFFICER OF THE CITY IN ORDER TO OBTAIN A COMPLIANCE INSPECTION TO STOP THE FINE FROM RUNNING.

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).

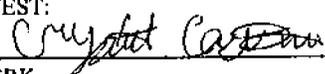
5. A certified copy of this Order shall be recorded in the public records and shall constitute a lien pursuant to Section 162.09, F.S., and may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be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

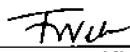
CITY OF NORTH MIAMI

CODE ENFORCEMENT SPECIAL MAGISTRATE

DRS BK 29703 PG 3334

ATTEST:

CLERK

ACKNOWLEDGEMENT

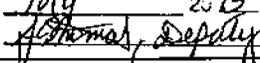
On this 10 day of July, 2015, the Code Enforcement Special Magistrate, and the Clerk of the Code Enforcement Special Magistrate, personally appeared before me and acknowledged the execution of this Order. Both aforementioned persons are personally known to me.


Signature, Notary Public, State of Florida



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

Space for Certification of Document by City Clerk:

CERTIFICATION
I certify this to be a true and correct copy of the original in my office.
Witness my hand and official seal of the CITY OF NORTH MIAMI Florida, this 10th day of July, 2015.
 City Clerk

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