



**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**



Agenda
1225 Barefoot Blvd, Bldg. D & E
10/11/2019
10:00 a.m.

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Minutes
- Swearing in of Inspectors and Witnesses
- Chairperson's and another member's Report

New Business: Current VC cases for review:

Condition of Prop. (A)(D) Lawn & Landscape (Recurring Mtnc.)

1. 19-002877 805 DRACO DRIVE
2. 19-004312 714 LARK DRIVE
3. 19-004313 816 WATERWAY DRIVE

Condition of Prop. (B) PW

4. 19-003422 1104 NAVAJO DRIVE

Condition of Skirting

5. 19-003262 1042 SEBASTIAN ROAD
6. 19-003533 701 BOUGAINVILLEA CIRCLE

Temporary Portable or Free-Standing Structures

7. 19-003853 915 WREN CIRCLE

Closing Remarks:

Adjournment: The next regular meeting will be held on Friday, October 25, 2019 in Building D & E at 10:00 a.m.

Sally-Ann Biondolillo

Sally-Ann Biondolillo
DOR/ARCC Administrative Assistant

Any person desiring to appeal any decision made by the Violations Committee, with respect to any matter considered at this meeting or hearing, will need a record of the proceedings for such purposes, must insure that a verbatim record and transcript of the proceedings, which record includes the testimony and evidence which the appeal is based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her expense, as the District does not provide one. ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with disabilities Act and Sect.286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least 48 hours prior to the meeting, contact the DOR Enforcement Staff at (772) 664-4722.



**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**



Minutes
1225 Barefoot Blvd, Bldg. D & E
09/27/2019
10:00 a.m.

The Barefoot Bay Violations Committee held its regular Hearing on 09/27/2019 in Building D&E, Barefoot Bay, Florida 32976.

- **Call to Order:** 2nd Vice Chair Mary Firlein called the hearing to order at 10:00 a.m.
- **Pledge of Allegiance:** Al Grunow let the pledge of allegiance.
- **Roll Call:** Present - 2nd Vice Chair Mary Firlein, Al Grunow, and Alternates Wilma Weglein and Jeff Grunow were both voting members. Excused - Chair Joy Liddy, Vice Chair Arlene Maguire
- **Approval of Minutes:** 09/13/2019 Minutes approved once the next meeting date is corrected.
- **Swearing in of Inspectors and Witnesses:** 2nd Vice Chair swore in the DOR Inspectors Pete Essig and Mary Barry.
- **Witnesses present:** None
- **Chair Report:** None
- **Committee Reports:** None
- **DOR Enforcement:** None
- **Other reports:** None

New Business: All cases were sent a Statement of Violation and Notice of Hearing via Certified Return Receipt requested, Regular 1st Class mail with a reasonable time to correct the violation. All properties were confirmed to be still in violation at the last inspection. Pictures were presented to the committee.

Inspector Fecteau presented item #2, 5, 7, 8, 9 and 16 as complied prior to meeting.

Item #1 and 14: DOR is working with homeowner. Item #13: DOR is working with the homeowner's attorney

Condition of Prop. (A)(D) Lawn & Landscape (Recurring Mtnc.)

3. 19-003327 616 DOLPHIN CIRCLE
4. 19-003401 869 CASHEW CIRCLE
6. 19-003850 747 PERIWINKLE CIRCLE

Inspector Fecteau presented the above case(s) for the violation of: Article III, Section 2 (A) Lawn and Landscaping – Recurring Maintenance (Lot Mows, Trim Palms, Etc.) The District will continue to maintain the lawn and landscape at the expense of the owner until the owner brings the property into compliance. An Order of Compliance will be obtained after three (3) consecutive and successful inspections. This expense will result in a lien on the property. **2nd Vice Chair entertained a motion to approve the recommendation of the DOR/ARCC Inspector. Jeff Grunow made the motion, second by Wilma Weglein, Jeff made the comment that Power Point photos were provided by DOR that corresponded with the recommendation, motion carried unanimously.**

Condition of Prop. (B) PW

10. 19-003221 600 ROYAL TERN DRIVE
11. 19-003398 625 HYACINTH CIRCLE
12. 19-003495 915 WREN CIRCLE

Inspector Fecteau presented the above case(s) for the violation of: Article III, Section 2 (B) Condition of Property (Exterior of Home must be free of mildew, mold and dirt) Power Wash. A compliance date of (7) seven days October 4th, 2019. If the property is still in violation after seven days, the final order of the Violations Committee shall either be presented to the Board of Trustees at its next scheduled meeting to pursue legal or equitable action or other appropriate

action or the District will contact their Power Wash contractor to bring the home into compliance, the expense of such action to be billed to the owner's account and will result in a lien on the property. **2nd Vice Chair entertained a motion to approve the recommendation of the DOR/ARCC Inspector. Wilma Weglein made the motion, second by Jeff Grunow, Jeff made the comment that Power Point photos were provided by DOR that corresponded with the recommendation, motion carried unanimously.**

Exterior Maintenance

15. 19-003126 1050 THRUSH CIRCLE

Inspector Fecteau presented the above case(s) for the violation of: Article III, Section Eleven Maintenance of Exterior of the Home. A compliance date of (14) fourteen days October 11th, 2019. If the property is still in violation after fourteen days, the final order of the Violations Committee shall be presented to the Board of Trustees at its next scheduled meeting to pursue legal or equitable action or other appropriate action with failure to comply. **2nd Vice Chair entertained a motion to approve the recommendation of the DOR/ARCC Inspector. Al Grunow made the motion, second by Wilma Weglein, Jeff made the comment that Power Point photos were provided by DOR that corresponded with the recommendation, motion carried unanimously.**

Closing Remarks: The next regular meeting will be held on Friday, October 11, 2019 in Building D & E at 10:00 a.m.

Adjournment: Meeting was adjourned at 10:13 a.m.

Sally-Ann Biondolillo

Sally-Ann Biondolillo
DOR/ARCC Administrative Assistant

Any person desiring to appeal any decision made by the Violations Committee, with respect to any matter considered at this meeting or hearing, will need a record of the proceedings for such purposes, must insure that a verbatim record and transcript of the proceedings, which record includes the testimony and evidence which the appeal is based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her expense, as the District does not provide one. ATTN: PERSONS WITH DISABILITIES. In accordance with the Americans with disabilities Act and Sect.286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding shall, at least 48 hours prior to the meeting, contact the DOR Enforcement Staff at (772) 664-4722.

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-002877

#4146/19-002877

4000 LLC,
401 E LAS OLAS BLVD, STE 130-521
FT LAUDERDALE, FL 33301

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **Article III, Section 2, (A) Condition of Property**, to wit, The lawn and landscaped areas (including all trees, shrubs and other vegetation) of each lot shall not be neglected and shall be regularly pruned and maintained at the expense of the Owner or Resident of such lot. The lawn and landscaped areas shall be maintained free from all underbrush, excessive overgrowth, all rubbish, and weeds and grass in excess of six inches in height. "Excessive overgrowth" shall mean any vegetation that is not regularly pruned in accordance with common care for such vegetation. Dead vegetation on any lot is required to be promptly removed.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 74 Lot # 33
805 DRACO DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): High grass and weeds on property

It is requested that you come into compliance by maintaining the lawn and landscape within seven (7) days from the date of this letter and continue to maintain the lawn in good appearance. The Respondent must correct the alleged violation(s) by the date set forth herein and contact the Deed of Restrictions Enforcements Officer who signed the Statement of Violation to verify such correction.

If at the end of this period the lawn is not cut and if the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 am on 10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida. The purpose of this Hearing will be to determined whether or not if the alleged violation(s) exist.**

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
Hearing Date: 10/11/2019**

The **Violations Committee** will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the committee will issue a Final Order directing Barefoot Bay Property Services to mow your lot. In such an event, you will be billed a minimum of **\$140.00** for an initial lot mow and general landscape maintenance (including enforcement costs), a minimum of **\$70.00** for each recurring lot mow and general landscape maintenance performed in accordance with Exhibit "A" of Resolution 2015-16 until you obtain an Order of Compliance. *In addition all social, family, and golf memberships affiliated with the property will be automatically suspended until you obtain an Order of Compliance.*

DATE OF VIOLATION FIRST OBSERVED: Jun 26, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

June 29, 2019 via First Class

10/01/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED:

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

October 01, 2019

BBRD DEED OF RESTRICTION STAFF



805 Draco. Lawn and landscape: Dead vegetation / Tree needs to be removed
Sep 27, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-002877

#4146/19-002877

4000 LLC,

401 E LAS OLAS BLVD, STE 130-521

FT LAUDERDALE, FL 33301

Respondent(s),

**RE: 805 DRACO DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Mary Barry for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Mary Barry, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Mary Barry, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-004312

#436/19-004312

LETT, DAVID,

714 LARK DR

BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **Article III, Section 2, (A) Condition of Property**, to wit, The lawn and landscaped areas (including all trees, shrubs and other vegetation) of each lot shall not be neglected and shall be regularly pruned and maintained at the expense of the Owner or Resident of such lot. The lawn and landscaped areas shall be maintained free from all underbrush, excessive overgrowth, all rubbish, and weeds and grass in excess of six inches in height. "Excessive overgrowth" shall mean any vegetation that is not regularly pruned in accordance with common care for such vegetation. Dead vegetation on any lot is required to be promptly removed.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 114 Lot # 140

714 LARK DRIVE

BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): lawn and landscape issues front/side and back, up to the property line: high grass/weeds/palm trees in need of a trim

It is requested that you come into compliance by maintaining the lawn and landscape within seven (7) days from the date of this letter and continue to maintain the lawn in good appearance. The Respondent must correct the alleged violation(s) by the date set forth herein and contact the Deed of Restrictions Enforcements Officer who signed the Statement of Violation to verify such correction.

If at the end of this period the lawn is not cut and if the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 am on 10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida. The purpose of this Hearing will be to determined whether or not if the alleged violation(s) exist.**

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
Hearing Date: 10/11/2019**

The **Violations Committee** will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the committee will issue a Final Order directing Barefoot Bay Property Services to mow your lot. In such an event, you will be billed a minimum of **\$140.00** for an initial lot mow and general landscape maintenance (including enforcement costs), a minimum of **\$70.00** for each recurring lot mow and general landscape maintenance performed in accordance with Exhibit "A" of Resolution 2015-16 until you obtain an Order of Compliance. *In addition all social, family, and golf memberships affiliated with the property will be automatically suspended until you obtain an Order of Compliance.*

DATE OF VIOLATION FIRST OBSERVED: Sep 30, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

September 30, 2019 via First Class
via Certified return receipt requested.
09/30/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: October 07, 2019

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

September 30, 2019

BBRD DEED OF RESTRICTION STAFF



714 lark lawn and landscape
Sep 30, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-004312

#436/19-004312

LETT, DAVID,

714 LARK DR

BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 714 LARK DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Stephane Fecteau for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Stephane Fecteau, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-004313

#3584/19-004313

JONES-LAYDEN, BARBARA C,
816 WATERWAY DR
BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

- **Article III, Section 2, (A) Condition of Property**, to wit, The lawn and landscaped areas (including all trees, shrubs and other vegetation) of each lot shall not be neglected and shall be regularly pruned and maintained at the expense of the Owner or Resident of such lot. The lawn and landscaped areas shall be maintained free from all underbrush, excessive overgrowth, all rubbish, and weeds and grass in excess of six inches in height. "Excessive overgrowth" shall mean any vegetation that is not regularly pruned in accordance with common care for such vegetation. Dead vegetation on any lot is required to be promptly removed.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 125 Lot # 48
816 WATERWAY DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): High grass and weeds on property

It is requested that you come into compliance by maintaining the lawn and landscape within seven (7) days from the date of this letter and continue to maintain the lawn in good appearance. The Respondent must correct the alleged violation(s) by the date set forth herein and contact the Deed of Restrictions Enforcements Officer who signed the Statement of Violation to verify such correction.

If at the end of this period the lawn is not cut and if the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 am on 10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida. The purpose of this Hearing will be to determined whether or not if the alleged violation(s) exist.**

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

**NOTICE OF HEARING
Hearing Date: 10/11/2019**

The **Violations Committee** will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the committee will issue a Final Order directing Barefoot Bay Property Services to mow your lot. In such an event, you will be billed a minimum of **\$140.00** for an initial lot mow and general landscape maintenance (including enforcement costs), a minimum of **\$70.00** for each recurring lot mow and general landscape maintenance performed in accordance with Exhibit "A" of Resolution 2015-16 until you obtain an Order of Compliance. *In addition all social, family, and golf memberships affiliated with the property will be automatically suspended until you obtain an Order of Compliance.*

DATE OF VIOLATION FIRST OBSERVED: Oct 01, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

October 01, 2019 via First Class
10/01/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED:

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

October 01, 2019

BBRD DEED OF RESTRICTION STAFF



816 Waterway. lawn and landscape: high grass
Oct 01, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-004313

#3584/19-004313

JONES-LAYDEN, BARBARA C,
816 WATERWAY DR
BAREFOOT BAY, FL 32976

Respondent(s),

**RE: 816 WATERWAY DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Mary Barry for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Mary Barry, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Mary Barry, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003422

#4683/19-003422

SUDSKY, ROBERT & CINDY,
1104 NAVAJO DR
BAREFOOT BAY, FL 32976

Respondent(s),

STATEMENT OF VIOLATION and NOTICE OF HEARING

PURSUANT to the Article III, Section 12 of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION OF DEED OF RESTRICTION VIOLATION

- **Article III, Section 2 Conditions of Property (B)** The exterior of a home on any lot shall be maintained free of mildew, mold and dirt, which is visible when the house is viewed from the street or from any adjacent lot.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 50 Lot # 41
1104 NAVAJO DRIVE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Mold, dirt and mildew must be removed from the exterior of the home.

DATE OF VIOLATION FIRST OBSERVED: Aug 03, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

August 03, 2019 via First Class
via Certified return receipt requested.
09/19/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: October 07, 2019

If at the end of this period the home has not been pressure washed of all mold, dirt and mildew, the Respondent disputes the existence of the violation(s) and wishes a hearing, **notice is hereby given that a Hearing will be conducted before the Violations Committee at 10:00 A.M. on the 10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.** The purpose of this Hearing will be to determine whether or not if the alleged violation(s) exist.

The Violations Committee will receive testimony and evidence at the Hearing and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the Hearing, or may be represented by an attorney.

If the **Violations Committee** finds the property in violation, the Committee will issue a Final Order for District Management to hire a licensed and insured contractor to bring a cure to the violation on the property. Said Order will provide for the cost incurred to bring the property into compliance to include administrative fees and contractor costs in accordance with Exhibit "A" of **Resolution 2015-16** with the charge posted to the owner's District account. Said charge will constitute as a lien recorded on the property. ***In addition all social, family, and golf memberships affiliated with the property will be automatically suspended.***

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (*FS 286.0105*) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER

OF OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-4722.

Dated this Date, September 19, 2019

Stephane Fecteau

Stephane Fecteau, DOR Inspector
772-664-4722

DATE: September 19, 2019



1104 navajo
Stephane Fecteau
Sep 19, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003422

#4683/19-003422
SUDSKY, ROBERT & CINDY,
1104 NAVAJO DR
BAREFOOT BAY, FL 32976
Respondent(s),

**RE: 1104 NAVAJO DRIVE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Stephane Fecteau for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Stephane Fecteau, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

Costs to Cure Violations

Initial Mow and General Landscape Maintenance

Equipment - Truck, lawn mower, weed eater, ear protection, safety glasses	\$20
Labor for two employees for one hour at \$10 per hour plus benefits and insurance	\$28
Code Enforcement costs of enforcement (Direct and Indirect) - at least four trips, documentation, notices and meetings	\$82
Postage and certified mail	\$10
Total	\$140

Recurring Mow and General Landscape Maintenance

Equipment	\$20
Labor per hour	\$28
Administration and Supervision	\$15
DOR Enforcement	<u>\$7</u>
Total	<u>\$70</u>

Powerwash

Contractor Invoiced Cost	TBD
Code Enforcement costs of enforcement (Direct and Indirect) (at least four trips, documentation, notices and meetings)	\$82
Postage and certified mail	<u>\$7</u>
Total	Actual contractor invoiced cost plus <u>\$89</u>

EXHIBIT "A"

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003262

#2990/19-003262

TRIGGS, NICOLE,
1600 N. ARIZONA AVE APT 2075
CHANDLER, AZ 85225

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT.10 and SECT. 2(D) Condition of Skirting**

(10) The skirting material on all manufactured or modular homes shall be maintained at all times so that such skirting remains in substantially the same condition as when it was newly installed. No gaps or openings will be permitted to exist. Vents are to be maintained in good condition.
(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 16 Lot # 22
1042 SEBASTIAN ROAD
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Skirting damaged. Must be repaired.

DATE OF VIOLATION FIRST OBSERVED: Jul 23, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:
07/23/2019 via First Class

09/18/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: October 01, 2019

DATE: September 18, 2019

BBRD DEED OF RESTRICTION STAFF

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**

NOTICE OF HEARING

Hearing Date: 10/11/2019

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a **Hearing** will be conducted before the Violations Committee at **10:00 A.M.** on **10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.** The purpose of this **Hearing** will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the Committee. In the case of a repeat violation, the case shall be presented to the Committee, whether or not a violation is present at the time.

The Violations Committee will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney. *If the committee finds the property to be in violation all social, family, and golf memberships affiliated with the property will be automatically suspended.*

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

September 18, 2019

Violations Committee/Deed of Restrictions Staff



1042 Sebastian. Skirting damage.
Sep 17, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003262

#2990/19-003262
TRIGGS, NICOLE,
1600 N. ARIZONA AVE APT 2075
CHANDLER, AZ 85225

Respondent(s),

**RE: 1042 SEBASTIAN ROAD
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

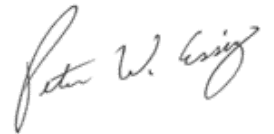
STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Peter Essig for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Peter Essig, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Peter Essig, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003533

#3427/19-003533

BELL, WALTER I,
PO BOX 145
NETCONG, NJ 07857

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT.10 and SECT. 2(D) Condition of Skirting**

(10) The skirting material on all manufactured or modular homes shall be maintained at all times so that such skirting remains in substantially the same condition as when it was newly installed. No gaps or openings will be permitted to exist. Vents are to be maintained in good condition.
(D) In the event that any lawn, landscaped areas, driveway, carport or home is not maintained in compliance with the requirements of Section 2, Section 10, or Section 11 of Article III, the Recreation District shall have the right to enter upon the lot and take any action reasonably necessary to cause the home and lot to come into compliance with the requirement of subsections (A), (B), (C) of Section 2, Section 10, or Section 11 of Article III. The expense of such action shall be billed by the Recreation District to the owner, shall be a personal obligation of the owner, and shall be shall be paid by the owner within thirty days after the owner is provided with written notice of such expenses. If payment is not made within the said thirty day period, the expense in question shall become a lien upon the said lot until paid, which lien shall have priority as of the date of recording of a notice thereof in the public records of Brevard county; provided, however, such lien shall not be superior to the lien for county taxes of the lien for the Recreation District's assessments and maintenance fees. The sum so due to the Recreation District may be collected by either an action of law, or the Recreation District shall have the right at its discretion to proceed to foreclose the above -described lien. In the event of such litigation, the Recreation District shall have the right to recover the costs thereof including a reasonable attorney's fee.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 66 Lot # 8
701 BOUGAINVILLEA CIRCLE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): Skirting needs to be replaced.

DATE OF VIOLATION FIRST OBSERVED: Aug 12, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

08/12/2019 via First Class
10/01/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED:

DATE: October 01, 2019

BBRD DEED OF RESTRICTION STAFF

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**

NOTICE OF HEARING

Hearing Date: 10/11/2019

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a **Hearing** will be conducted before the Violations Committee at **10:00 A.M.** on **10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.** The purpose of this **Hearing** will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the Committee. In the case of a repeat violation, the case shall be presented to the Committee, whether or not a violation is present at the time.

The Violations Committee will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney. *If the committee finds the property to be in violation all social, family, and golf memberships affiliated with the property will be automatically suspended.*

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

October 01, 2019

Violations Committee/Deed of Restrictions Staff



701 Bougainvillea. Skirting needs to be replaced / repaired.
Oct 01, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003533

#3427/19-003533
BELL, WALTER I,
PO BOX 145
NETCONG, NJ 07857

Respondent(s),

RE: 701 BOUGAINVILLEA CIRCLE
Barefoot Bay, FL 32976

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Mary Barry for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Mary Barry, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Mary Barry, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003853

#88/19-003853

MURIN, LESLIE A,
1003 JACKSON HALL SCHOOL RD
ELKTON, MD 21921

Respondent(s),

STATEMENT OF VIOLATION

PURSUANT to the Article(s) listed below, of the Barefoot Bay Deed of Restrictions, the undersigned DOR Enforcement Officer hereby gives notice of a violation or violations of the Deed of Restrictions of the Barefoot Bay Recreation District, described herein.

SECTION(S) OF DEED OF RESTRICTION VIOLATION(S)

• **ARTICLE III, SECT. (13) TEMPORARY PORTABLE OR FREE-STANDING STRUCTURES**

Temporary, portable, or freestanding structures that are installed for longer than 48 hours are prohibited unless an application is completed, submitted to and approved by the ARCC.

LOCATION/ADDRESS WHERE VIOLATION EXISTS

Block # 136 Lot # 27
915 WREN CIRCLE
BAREFOOT BAY, FL 32976

DESCRIPTION OF VIOLATION(s): unapproved structure: back house must be removed

DATE OF VIOLATION FIRST OBSERVED: Sep 09, 2019

DATE OF OWNER/PERSON IN CHARGE GIVEN NOTICE OF VIOLATION:

09/09/2019 via First Class
via Certified return receipt requested.
09/19/2019 via Posted

DATE ON/BY WHICH VIOLATION TO BE CORRECTED: IMMEDIATELY

DATE: September 19, 2019

BBRD DEED OF RESTRICTION STAFF

**BAREFOOT BAY RECREATION DISTRICT
BREVARD COUNTY, FLORIDA
VIOLATIONS COMMITTEE**

NOTICE OF HEARING

Hearing Date: 10/11/2019

The Respondent must correct the alleged violation(s) contained in the enclosed Statement of Violation by the date set forth therein and contact the Deed of Restrictions Enforcement Officer who signed the Statement of Violation to verify such correction. If the Respondent disputes the existence of the violation(s) and wishes a hearing, notice is hereby given that a **Hearing** will be conducted before the Violations Committee at **10:00 A.M.** on **10/11/2019 at 1225 Barefoot Boulevard, Building D&E, Barefoot Bay, Florida.** The purpose of this **Hearing** will be to determine whether or not the alleged violation(s) exist.

If the violation(s) described in the Statement of Violation are corrected and then recur, or if the violations are not corrected by the time specified for correction, the case shall be presented to the Committee. In the case of a repeat violation, the case shall be presented to the Committee, whether or not a violation is present at the time.

The Violations Committee will receive testimony and evidence at the **Hearing** and make Findings of Fact as are supported by the testimony and evidence pertaining to matters alleged in the enclosed Statement of Violations. The respondent is entitled to testify and present evidence and witnesses at the **Hearing**, or may be represented by an attorney. *If the committee finds the property to be in violation all social, family, and golf memberships affiliated with the property will be automatically suspended.*

IF ANY INDIVIDUAL WISHES TO APPEAL ANY DECISION MADE BY THE VIOLATIONS COMMITTEE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, A VERBATIM RECORD OF THE PROCEEDING WILL BE REQUIRED, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED (FS 286.0105) SUCH PERSON MUST PROVIDE A COURT REPORTER, COURT STENOGRAPHER OR OTHER METHOD ACCEPTABLE TO A COURT OF LAW TO PROVIDE FOR SUCH VERBATIM RECORD; THE DISTRICT DOES NOT PROVIDE SUCH RECORD.

THIS IS A PUBLIC MEETING. ALL INTERESTED PARTIES MAY ATTEND. THE FACILITY WHEREIN THIS PUBLIC MEETING WILL BE HELD IS ACCESSIBLE TO THE PHYSICALLY HANDICAPPED. IN ACCORDANCE WITH AMERICAN DISABILITIES ACT, PERSONS NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE DEED OF RESTRICTIONS ENFORCEMENT OFFICE AT 772-664-3141.

September 19, 2019

Violations Committee/Deed of Restrictions Staff



915 wren
Sep 19, 2019

**BAREFOOT BAY VIOLATIONS COMMITTEE
BREVARD COUNTY, FLORIDA**

BAREFOOT BAY RECREATION DISTRICT

Petitioner

Vs

Case no. 19-003853

#88/19-003853

MURIN, LESLIE A,
1003 JACKSON HALL SCHOOL RD
ELKTON, MD 21921

Respondent(s),

**RE: 915 WREN CIRCLE
Barefoot Bay, FL 32976**

AFFIDAVIT OF NOTICES

STATE OF FLORIDA
COUNTY OF BREVARD

BEFORE ME, the undersigned authority, personally appeared, Deed of Restrictions Enforcement Officer Stephane Fecteau for the Barefoot Bay Recreation District, who after being duly sworn deposes and says:

1. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the respondent at the above address by **First Class mail**.
2. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was mailed to the above respondent by **Certified mail**, return receipt requested, a copy of which is attached hereto.
3. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was **Posted** at the above referenced address a copy of which is attached hereto.
4. That on or about the _____ day of _____ 2019, a Statement of Violations and a Notice of Hearing was emailed to the Mortgage Servicer for above referenced address, a copy of which is attached hereto.

FURTHER AFFIANT SAYETH NOT.

Dated this _____ day of _____ 20__.



Stephane Fecteau, DOR Inspector

The Foregoing instrument was acknowledged before me on _____ day of _____ 20__ by Stephane Fecteau, who is personally known to me and did take an oath.

Notary Public
State of Florida at Large