



OFFICE OF THE  
**CITY ATTORNEY**  
THE CITY OF DAYTONA BEACH

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MEMORANDUM

TO: The City Commission  
FROM: Robert Jagger, City Attorney *RS*  
DATE: July 23, 2018  
RE: Foreclosure Process

The City Attorney's Office seeks authorization from the City Commission to institute foreclosure proceedings on certain properties within the City, identified below, that have unpaid code enforcement liens. Chapter 162, Florida Statutes, provides authority for the City's code enforcement board and special magistrate to impose fines against property owners for violation of City codes. Certified copies of orders imposing fines are recorded in the public records, and thereafter constitute a lien in favor of the City against the land on which the violation exists, and upon any other real or personal property owned by the violator.

The City Attorney's Office foreclosure review process requires identification of properties that do not have substantial superior liens or mortgages, are not subject to bankruptcy proceedings, and that otherwise satisfy legal and practical considerations for foreclosure. Section §162.09, Fla. Stat., for example, prohibits a foreclose action against real property which is a homestead under §4, Art. X, of the State Constitution. The following properties have been determined to meet the criteria for foreclosure of existing code enforcement liens:

Address	Owner	Use	Total Code Liens	Assessed Value
617 Holmes Ave.	Samy K. Hanna	single family structure, unoccupied.	\$10,798.56	\$8,249
299 Morningside Ave.	Valerie Potter Albert	single family structure, unoccupied	\$15,024.00	\$115,740
1301 N. Atlantic Ave.	Ambassador of Business Health, Wellness, Ect.	duplex structure, occupied	\$15,024.00	\$108,258
215 S. Grandview Ave.	Beach Apartments, LLC	multi-family structure, unoccupied,	\$15,000.00	\$61,887
114 Botefuhr Ave.	Jamie S. Antrum	multi-family structure, occupied,	\$20,000.00	\$582,000
303 N. Ridgewood Ave.	Jay Pritam, Inc.	commercial structure, occupied	\$40,000.00	\$195,458

If the City prevails in the foreclosure actions, the City will either collect on the outstanding liens or acquire ownership of the property through judicial sale. In addition, the prevailing party is entitled to recover costs, including reasonable attorney's fees, which are incurred in the litigation.

cc: City Manager  
City Clerk