

Law Office of  
Alexander L. Palenzuela, P.A.  
1200 Brickell Avenue, Suite 1950  
Miami, FL 33131-3298  
Tel: (305) 333-0467  
alp@alp-law.com

May 18, 2020

***Posted at the Property and  
Sent via First Class Mail***

Shellpoint Mortgage Servicing  
Property Registrations  
55 Beattie Place, Suite 500, MS-501  
Greenville, SC 29601-5116

**Re: Notice of violations and further enforcement action regarding real property located at 535 Caligula Avenue, Coral Gables, FL 33146-2710 (“Property”)**

Dear Sir/Madam:

This office represents the City of Coral Gables, Florida (“City”). Shellpoint Mortgage Servicing (hereinafter referred to as “You”), is listed as the new servicer of the Property on the City’s Abandoned Real Property Registry.

As such, the City has brought or is bringing code enforcement actions against you for failure to maintain the Property. In spite of the City’s efforts, the Property remains in violation of the City Code and constitutes a public nuisance. Specifically, the Property is in violation of the City Code for reasons including, but not limited to, those set forth in the list of violations attached to the attached cease and desist letter.

You are hereby notified that the City will file a lawsuit or otherwise pursue further enforcement action, which may include any or all of the following: 1) an injunction requiring that the responsible parties maintain the Property in compliance with the City Code; 2) the appointment of a receiver at the expense of the responsible parties; 3) foreclosure on the City’s code enforcement and special assessments liens, if any; 4) forfeiture pursuant to applicable law; 5) the issuance of a code enforcement citation imposing a fine of \$500 per day, as stated in the attached cease and desist letter, pursuant to §§ 2-252 (e)(11) and 2-254 of the City Code; or 6) an unsafe structures proceeding, as applicable. Please be advised that the City’s code enforcement liens attach to all non-exempt real and personal property of the violator(s) named in the code enforcement order and that the City will seek its attorneys’ fees and costs.

**If the violations pertain to failure to maintain a historic structure, please be advised that:**

- **You may be subject to substantial fines that may not be mitigated.**
- **You may also be required to repair or restore the historic structure.**
- **If the historic structure is allowed to deteriorate to the point where it must be demolished:**
  - **the City Code requires that you replace the structure with a similar historically-appropriate structure; and**
  - **the property will no longer qualify for an historic preservation tax exemption.**

Should you wish to bring this property into compliance voluntarily and possibly avoid further enforcement action, you must contact me within seven days of the date of this letter. Please provide an update on your plan of action and a timeline, including how you intend to obtain any necessary development approvals and commence and complete the work, which as we have discussed, you expect should be by the end of the month.

Please govern yourself accordingly.

Very truly yours,



Alexander L. Palenzuela

cc: Miriam Soler Ramos  
City Attorney  
City of Coral Gables

# THE CITY OF CORAL GABLES



OFFICE OF  
THE CITY ATTORNEY

CITY HALL 405 BILTMORE WAY  
CORAL GABLES, FLORIDA 33134

May 18, 2020

***Posted at the Property and  
Sent via First Class Mail***

Shellpoint Mortgage Servicing  
Property Registrations  
55 Beattie Place, Suite 500, MS-501  
Greenville, SC 29601-5116

**Re: Cease and desist demand regarding violations of the City Code at the premises  
located at 535 Caligula Avenue, Coral Gables, FL 33146-2710 ("Property")**

Dear Sir/Madame:

This office represents the City of Coral Gables ("City"). You are hereby notified, as set forth below, that, as the new servicer of the first mortgage on the Property, Shellpoint Mortgage Servicing (hereinafter referred to as "You"), is in violation of the City Code and other applicable law for failure to register and maintain an accessory structure to the single-family home ("Structure") on the Property that is in default of a mortgage.

## **Violations of the City Code**

An inspection of the premises and review of City records, conducted on or about April 30, 2020, revealed that you committed the violations of the City Code set forth in the attached List of Violations ("Violations").

In order to correct these Violations, you must take the corrective action described in the attached List of Violations, within seven days of the date of this letter.

## **Cease and Desist Order**

In light of the Violations, we hereby demand, pursuant to §§ 2-252(e)(11) and 2-254 of the City Code, that you correct all of the above-described violations within seven days of the date of this letter. Failure to comply with this cease and desist letter shall result in the issuance of an additional code enforcement citation punishable by a fine of \$500 per day.

Please note that, if you do not correct the Violations, the City will have no choice but to pursue further enforcement action, which may also include, but is not limited to, corrective action, including an action for a court injunction, the appointment of a receiver, or forfeiture; additional code enforcement actions, fines, and liens, including assessment liens; and foreclosure on any City

Shellpoint Mortgage Servicing

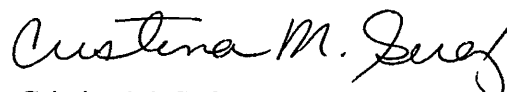
May 18, 2020

Page 2 of 3

liens; including any applicable attorneys' fees and costs. Please contact me no later than seven days of the date of this letter, to confirm that you will cease violating the City Code.

Nothing herein is intended to be a waiver of any of the City's rights and remedies which are expressly reserved, including, but not limited to, the right to issue citations for violations of additional provisions of the City Code.

Sincerely,



Cristina M. Suárez  
Deputy City Attorney and  
City Prosecutor

cc: Miriam Soler Ramos, City Attorney  
Devin Cejas, Assistant Development Services Director  
Suramy Cabrera, Development Services Director  
Eduardo Santamaria, Assistant City Manager

**List of Violations for 535 Caligula Ave**

	Code Section	Description of Violation	Corrective Action Required
1.	Sections 34-203 of the City Code	Failure to maintain the Property that is in default of the mortgage	Correct all code violations on the Property as set forth herein
2.	Sections 226 and 255 of Chapter 105, Minimum Housing Code, of the City Code	Failure to maintain an accessory structure by allowing the following: fence/wall is in disrepair, section of wall is missing	Apply for, obtain, and pass final inspection on all permits to repair or demolish the fence/wall
3.	Section 3-108 of the City Zoning Code	Please note that, while this does not currently constitute a violation, the temporary wire fence, that the neighbor put to cover the gap in the fence/wall where the fence/wall is in disrepair and a section of the fence/wall is missing, must not be removed or it will constitute a failure to provide a protective wall or fence 4 feet in height	Maintain in place a protective wall or fence 4 feet in height at all times or repair perimeter wall