

Garcia, Adolfo

From: alp@alp-law.com
Sent: Monday, August 19, 2019 2:57 PM
To: Ramos, Miriam; Garcia, Adolfo; Suarez, Cristina; Cutie, Ivonne
Subject: FW: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01 -

Importance: High

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please find attached the updated registration of the property as being in default of the mortgage and my email to Bayview's attorney below.

Thanks!

Very truly yours,

Alexander L. Palenzuela
Law Offices of Alexander L. Palenzuela, P.A.
1200 Brickell Avenue, Suite 1440
Miami, FL 33131-3205
main (305) 375-9510, ext. 303
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From: Alexander Palenzuela <alp@alp-law.com>
Date: Monday, August 19, 2019 at 2:51 PM
To: Brendan Herbert <brendan.herbert@lockelord.com>
Cc: 'Sean Coutts' <smcoutts@gmail.com>, Tammi Calderone <tcaldерone@vanlawfl.com>
Subject: Re: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01 -

Dear Mr. Brendan:

This is to follow up on the message I just left you. Although the property has been registered as in default of the mortgage, the City will still seek entry of an order against all of the responsible parties, while the violation regarding the perimeter wall exists. Please note, however, that the owner has indicated that he will bring the property into compliance. If he does not, then the remaining parties will have to do so.

Thank you.

Very truly yours,

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From: Brendan Herbert <brendan.herbert@lockelord.com>
Date: Monday, August 19, 2019 at 1:58 PM
To: Alexander Palenzuela <alp@alp-law.com>, Tammi Calderone <tcalderone@vanlawfl.com>
Cc: 'Sean Coutts' <smcoutts@gmail.com>
Subject: RE: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01 -

Mr. Palenzuela,

My apologies for the delay in responding to you as I was out of the country. I got confirmation from my client today that the foreclosure registration fee has been paid. Proof of same is attached to this email. Does this avoid the necessity of an order being entered against Bayview? Please let me know.

Thanks,

Brendan Herbert

From: alp@alp-law.com <alp@alp-law.com>
Sent: Thursday, August 15, 2019 8:23 PM
To: Tammi Calderone <tcalderone@vanlawfl.com>; Herbert, Brendan <Brendan.Herbert@lockelord.com>
Cc: 'Sean Coutts' <smcoutts@gmail.com>

Subject: Re: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01 -

Dear Ms. Calderone and Ms. Herbert:

Please find attached a revised proposed order. Please let me know by noon tomorrow if you will agree to its entry or will appear at the hearing on 8-21-19, at 8:30 a.m., as set forth in the attached summons. I know that Ms. Calderone advised that she cannot agree because of the bankruptcy, however, it was closed pursuant to the attached order. Also, the owner has indicated that he will undertake correcting the violations, however the mortgagee must register the property, since the default on the mortgage has not been cured, according to Ms. Calderone, even though mortgagee foreclosure has been dismissed. I am copying the owner, Mr. Coutts.

Thank you.

Very truly yours,

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From: Alexander Palenzuela <alp@alp-law.com>

Date: Wednesday, July 10, 2019 at 5:52 PM

To: Tammi Calderone <tcaldерone@vanlawfl.com>

Subject: Re: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01

Dear Ms. Calderone:

Typically, the respondents in an abandoned property case, involving a property that is in default of a mortgage, are the owner(s), mortgage(es), servicer(s), and property manager(s). Any party that does not agree to the entry of the order would be subject to the same terms as those who agree (assuming the board finds them in violation and does not decide to treat them differently). Please let me know if you have any other questions or concerns. Please let me know if the default under the mortgage has been cured, since I would have to check the ordinance to determine if it still applies.

Thank you.

Very truly yours,

Alexander L. Palenzuela
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From: Tammi Calderone <tcaldерone@vanlawfl.com>

Date: Wednesday, July 10, 2019 at 4:46 PM

To: Alexander Palenzuela <alp@alp-law.com>

Subject: RE: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01

Mr. Palenzuela,

It was a pleasure speaking with you and thank you for sending this email. I am going to do a little research into our file and make sure we aren't dismissing the action and/or already dismissed the action. And just for clarification, "theRespondent" for the agreed order would be Sean Coutts?

I will get back to you soon. Thank you for your time.

Tammi M. Calderone, Esq.
Van Ness Law Firm, PLC



1239 E. Newport Center Drive

Suite 110
Deerfield Beach, FL 33442-7711
Phone: (954) 571-2031 Ext. 229
Email: TCalderone@vanlawfl.com

Pursuant to the Fair Debt Collection Practices Act you are hereby advised that a portion of our practice involves the collections of debts and any information obtained may be used for that purpose.

This communication may involve an offer for settlement of a civil case or matter and as such, its content is not intended nor is admissible in court for any purpose and must remain confidential.

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From: alp@alp-law.com [<mailto:alp@alp-law.com>]

Sent: Wednesday, July 10, 2019 2:50 PM

To: Tammi Calderone

Subject: 535 Caligula Ave - proposed agreed Code Enforcement Board order (your file no. # BF13523-18/nns); foreclosure case: Bank of NY Mellon v. Sean Coutts, 11th Circuit Court Case No. 19-5123 CA 01

Dear Ms. Calderone:

It was a pleasure speaking with you. Please find attached the notice of violation and summons as well as the cease and desist and demand letters that the City sent the responsible parties under its abandoned real property ordinance. I am also attaching the relevant documents in the bankruptcy case that we also discussed.

Please find below for your review and approval the terms of the proposed Code Enforcement Board order. Please advise no later than noon on Friday, July 12, 2019 whether you agree to the order and I will forward it to the City for its review and approval. Please note that the order will also include a list of the code sections violated as alleged in the attached Notice of Violation.

The Respondent shall correct the violations set forth above.

The Respondent shall, within seven days of the date of this Order, update the information for the responsible parties on the City's abandoned real property registry for properties in default of a mortgage on the following website:

<https://community.prochamps.com/prochamps/HomePage.aspx>

The Respondent shall apply for all permits or other development approvals required to repair the perimeter fence/wall on the Property ("Structure") and replace the section of the Structure that is missing ("Permits"); within 30 days of the date of this Order.

The Respondent shall obtain all Permits within 30 days of the date of the application for the Permits and, in any event, no later than 60 days from the date of this Order.

The Respondent shall pass final inspection on all Permits within 30 days of the date that the City notifies the Respondent that the Permits are ready to be picked up and, in any event, no later than 90 days from the date of this Order.

1. The Respondent shall consistently maintain the Property to avoid any new violations of the City Code. The City shall, nevertheless, provide the Respondent with written notice of any new violations that arise.

2.

3. The City agrees to expedite its review of the applications for Permits, the building plans, and its inspections.

4.

5. In the event of non-compliance by the Respondent, a fine of \$150 per day shall accrue for every day that the non-compliance continues. Once the fines begin to accrue pursuant to this Order, the Respondent must fully comply with this Order for the fines to cease accruing.
- 6.
7. The City Code Enforcement Division Manager or Code Enforcement Board may extend any of the above deadlines if either finds good cause beyond the control of the Respondent and that the Respondent acted in good faith and exercised due diligence in its efforts to obtain all required Permits, to correct all code violations, and to request an extension of any deadlines, as applicable. Good cause to obtain an extension shall include the time required for the City to review the application for Permits, the plans, and any revisions (collectively referred to as "Plans"), but only for the number of days the Plans have been submitted for review. Any additional time granted due to the City's review shall be computed from the date the Plans are submitted until the date the City notifies the Respondent that the Plans are ready to be picked up for any required revisions or that the Permits are ready to be picked up.

The Respondent shall pay the administrative costs for the hearing of \$108.75.

If the Respondent does not comply within the time specified, a certified copy of this Order shall be recorded in the Public Records of Dade County and thereafter SHALL CONSTITUTE A LIEN against the property upon which the violation(s) exist or upon any real or personal property of the violator.

Once the City has confirmed in writing that the proposed agreed order was approved, you will not be required to attend the Code Enforcement Board hearing on 7-17-19 at 8:30 a.m., at which the City will present the order for the Board's approval. However, you are welcome to attend the hearing if you choose.

Please let me know if you have any questions or concerns.

Thank you.

Very truly yours,

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