

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20051361

1. ACTION REQUESTED/PURPOSE: Execute release of judgment lien as to a specific piece of land.

2. WHAT ACTION ACCOMPLISHES: Releases judgment lien against land that does not involve the judgment debtor.

3. MANAGEMENT RECOMMENDATION: Execute release.

4. Departmental Category: 12

A12D

5. Meeting Date: *10-11-2005*

6. Agenda:
 Consent
 Administrative
 Appeals
 Public
 Walk-On

7. Requirement/Purpose: (specify)
 Statute
 Ordinance
 Admin. Code
 Other

8. Request Initiated:
 Commissioner _____
 Department County Attorney
 Division Litigation
 By: John J. Renner, Chief
Assistant County Attorney

9. Background: Lee County was joined in an eminent domain action filed by the Lee County Electric Co-op because of a public defender lien against Arturo Ramirez. A different Arturo Ramirez held an interest in the land condemned. To eliminate any confusion that Lee County's judgment attached to this land, Lee County should execute a release of lien as to this land only.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>Capm 9/20</i>				County Manager/P.W. Director
				<i>[Signature]</i>	Analyst	Risk	Grants	Mer.	
					<i>RK 9/20</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
9/19/05

RECEIVED BY COUNTY ADMIN: <i>RK</i>
<i>9-19-05</i>
<i>3:40</i>
COUNTY ADMIN FORWARDED TO: <i>[Signature]</i>
<i>9/22</i>
<i>4:30</i>

THIS INSTRUMENT PREPARED BY:
Carlos A. Kelly, Esq.
Henderson, Franklin, Starnes & Holt, P.A.
P. O. Box 280
Ft. Myers, FL 33902-0280

RELEASE OF JUDGMENT LIEN

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA ("COUNTY"), whose address is c/o Board of Commissioners, 2120 Main Street, Ft. Myers, Florida 33901, owns and holds that Judgment recorded at Official Record Book 1792, Page 4291 in the Public Records of Lee County, Florida ("Judgment"), a copy being attached hereto as **Exhibit A**; and

WHEREAS, COUNTY disclaims any interest in the Judgment as it respects that real property described as follows:

Lots 22 and 23, Block 2305, Unit 36, CAPE CORAL
SUBDIVISION, according to the map or Plat thereof as
recorded in Plat Book 16 Page 112, Public Records of Lee
County, Florida

a/k/a

2721 NE 2nd Place, Cape Coral, Florida 33909

(the "Real Property") and;

WHEREAS, COUNTY desires to release the Real Property from the lien and operation of the Judgment:

NOW THEREFORE, KNOW YE, That COUNTY in consideration of the sum of TEN (\$10.00) DOLLARS or other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, does remise, release, quit claim, exonerate and discharge from the lien and operation of the Judgment, all of the Real Property,

TO HAVE AND TO HOLD the same, with the appurtenances, forever freed, exonerated and discharged of and from the lien of the Judgment, and every part thereof; provided, always, nevertheless, that nothing herein contained shall in anywise impair, alter or diminish the effect, lien or encumbrance of the aforesaid Judgment as it otherwise respects the judgment debtor identified therein.

Approved and accepted for and on behalf of Lee County, Florida, this ____ day of _____, 2005.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairman/Vice-Chairman

[Type or Print Name]
Deputy Clerk

Approved as to form by:

County Attorney's Office

MAC/lmd

IN THE _____ COUNTY COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA

STATE OF FLORIDA)

vs.)

ARTURO RAMIREZ)

CASE NO. 85TT-13691-92

1964280

ORDER AND FINAL JUDGMENT

WHEREAS, ARTURO RAMIREZ, the defendant herein, who resides at 2146 Franklin Street, Fort Myers, Florida 33901, having received the assistance of Douglas M. Midgley, Public Defender for the Twentieth Judicial Circuit of Florida in the above-styled cause, and the Court being fully advised in the premises, it is hereby

-1-

ORDERED AND ADJUDGED, pursuant to Florida Statute §27.56(1) that there shall be, and hereby is assessed against said defendant, attorney's fees in the amount of \$50.⁰⁰ and costs in the amount of \$ -0-. It is further

-2-

ORDERED AND ADJUDGED that the foregoing sums when paid by or on behalf of the defendant herein shall be paid by him to the Clerk of the Circuit Court, Lee County, Florida, or to such other collection agency as the Board of County Commissioners may hereinafter designate, and may be paid in lump sum or by making periodic payments. It is further

-3-

ORDERED AND ADJUDGED that all funds collected by the Clerk of the Circuit Court, pursuant to this Order and any judgment issued hereunder shall be remitted to the Board of County Commissioners of Lee County, Florida, to be placed in the fine and forfeiture fund of Lee County. It is further

-4-

ORDERED AND ADJUDGED that Final Judgment is hereby entered against the defendant herein and in favor of Lee County, Florida in the amount(s) set forth in paragraph one of this Order and Final Judgment for all of which let execution issue.

DONE AND ORDERED in Chambers, Fort Myers, Lee County, Florida, this 15 day of July, 1985.

[Signature]

Judge ANDERSON

REC 1-19 2 PM 11 29 1

CHARLES GIBBS
CLERK OF CIRCUIT COURT
Charles Gibbs

JUL 9 11 43 AM '85
RECORDED & OFFICIAL
REC'D JUDS
LEE COUNTY, FLORIDA
RECORD VERIFIED

