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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: February 1, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(E)(1)(A)

Resolution No. R-60-11

Subject: Resolution Authorizing Release of Surplus Tax Deed 07-736 Sale Proceeds in the amount of $117,144.03

Recommendation
It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing release of Surplus Tax Deed 07-736 sale proceeds in the amount of $117,144.03 to Smith, Hiatt and Diaz, P.A., Trust Account for the benefit of Countrywide Home Loans, Inc. who was a lienholder and is entitled to the excess proceeds.

Scope
The attached resolution authorizes release of surplus tax deed sale proceeds in accordance with provisions of the Florida Statutes. The property is located in Commission District 8.

Fiscal Impact
There is no fiscal impact to the County. All property taxes owed were collected at the time of tax certificates being sold and/or at time of the tax deed sale. Surplus funds result from net proceeds of the tax deed sale

Background
Miami-Dade County presently holds $117,144.03 in excess proceeds from the sale of a tax deed for delinquent taxes on or about April 10, 2008 on the property described as follows:

Folio No.: 30-6920-000-0620

E 3/10 of SE ¼ of SE ¼ of SE ¼ less W203.19 of N
111.89 FT & less E 40 FT and S 40 FT for R/W
SECTION 20 TOWNSHIP 56 SOUTH RANGE 39
EAST 1.95 AC

Pursuant to Section 197.582, Florida Statutes, said excess undistributed funds are retained for the benefit of the person who, on the date of the sale, was the titleholder of record and for lien holders.

Accordingly, it is recommended that the surplus funds be released to Smith, Hiatt and Diaz, P.A., Trust Account, for the benefit of Countrywide Home Loans, Inc., a lienholder judicially determined to be entitled to said proceeds.

Attachment

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: February 1, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(E)(1)(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(E)(1)(A)
2-1-11

RESOLUTION NO. R-60-11

RESOLUTION AUTHORIZING RELEASE OF SURPLUS TAX DEED 07-736 SALE PROCEEDS IN THE AMOUNT OF $117,144.03 TO SMITH, HIATT AND DIAZ, P.A., TRUST ACCOUNT

WHEREAS, the Clerk of the Circuit Court issued a tax deed for delinquent taxes upon the following described real property on or about April 10, 2008,

Folio No.: 30-6920-000-0620

E 3/10 of SE ¼ of SE ¼ of SE ¼ less W203.19of N 111.89 FT & less E 40 FT and S 40 FT for R/W SECTION 20 TOWNSHIP 56 SOUTH RANGE 39 EAST 1.95 AC

WHEREAS, as a result of the said tax deed sale, there exists a net excess of funds in the amount of $117,144.03 currently held by the Miami-Dade County Board of County Commissioners; and

WHEREAS, pursuant to Section 197.582, Florida Statutes, the said excess undistributed funds are retained for the benefit of the person who, on the date of the sale, was the titleholder of record and for lienholders; and

WHEREAS, on the date of the above-referenced sale, COUNTRYWIDE HOME LOANS, INC., was a lienholder and is entitled to the excess proceeds resulting therefrom,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Finance Director is hereby authorized and directed to deliver to the Clerk of the Circuit Court the said surplus tax

deed sale proceeds in the amount of $117,144.03, and the Clerk of the Circuit Court is authorized and directed to disburse this $117,144.03 to Smith, Hiatt and Diaz, P.A., Trust Account for the benefit of Countrywide Home Loans, Inc.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	absent
Natacha Seijas	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of February, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Debra Herman

IN THE CIRCUIT COURT OF THE 11TH JUDICIAL CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA.
CASE NO. 08-51851 CA 08

GGH 30, LLC, A FLORIDA LIMITED LIABILITY COMPANY,
Plaintiff,

vs.

ADOLFO MUNOZ, et al.
Defendants.
_____/

AGREED ORDER ON DEFENDANT, COUNTRYWIDE HOME LOANS, INC.'S EMERGENCY MOTION FOR REHEARING

THIS CAUSE having come before the Court on Defendant, COUNTRYWIDE HOME LOANS, INC.'S Emergency Motion for Rehearing, and the Court having been informed the parties are in agreement with the entry of this Order and otherwise being otherwise fully advised in the premises, it is:

ORDERED AND ADJUDGED that:

1. COUNTRYWIDE HOME LOANS, INC.'S Emergency Motion for Rehearing is hereby GRANTED.

2. The Order Determining Priorities and Directing Disbursement of Excess Proceeds rendered on July 14, 2010 is hereby vacated.

3. The Clerk of the Court, acting ex oficio as the clerk for the Miami-Dade County Board of County Commissioners, is ordered forthwith to deposit the excess proceeds arising from tax deed file no. 07-736, less any statutory Clerk fees, into the Trust Account of the law firm of Smith, Hiatt, and Diaz, P.A.

DONE AND ORDERED in Chambers at the Miami-Dade County Courthouse, Miami, Florida on _____, 2010.

Gisela Cardonne Ely
JUL 21 2010

_____
Circuit Court Judge

1183-62923
Copies furnished to:
- Smith, Hiatt, & Diaz, Counsel for COUNTRYWIDE HOME LOANS, INC. and
- all parties on the attached Service List

S

SERVICE LIST
Case No. 08-51851 CA 08

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