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April 3, 2018

**MEMORANDUM**

To: Board of County Commissioners

From: Courtney K. Grimm, County Attorney

Re: Report and recommendation regarding civil action against  
Clay County (*Wells Fargo Bank, N.A. v. Rodolfo V. Francis, et al.*, Clay County Circuit Court Case No. 2016-CA-624)

The County was served on April 3, 2018, as a defendant in the above-referenced case (the Foreclosure Proceeding) in which Wells Fargo Bank, N.A. (the Foreclosure Plaintiff), seeks to foreclose a mortgage (the Mortgage) dated August 31, 2006, which mortgaged certain real property located in Clay County, Florida, and described therein (the Property). A copy of the verified amended complaint is available for inspection in the County Attorney's Office. The Foreclosure Plaintiff asserts that it is owed in excess of \$254,711.88 (default date of June 1, 2014) on the note secured by the Mortgage, representing the principal balance, interest and sums advanced to protect the security thereof.

The County has been named as a defendant in the Foreclosure Proceeding by virtue of an Order for Compliance entered by the Clay County Code Enforcement Magistrate against Clay County Land Trust #02-04-25-007862-006-58 under Case No. CE-16-005, and recorded on February 4, 2016, in O.R. Book 3827, Page 1947, public records of Clay County, Florida. (Clay County Land Trust #02-04-25-007862-006-58 purchased the property on April 27, 2015 at foreclosure sale.) Upon speaking with the Code Enforcement Department to obtain further information, it was discovered that the property was brought into compliance and that an Order closing Case No. CE-16-005 was recorded on April 7, 2016, in O.R. Book 3845, Page 2111. Therefore, there is no interest of the County to defend in the Foreclosure Proceeding.

In light of the foregoing, I recommend that no responsive pleading to the complaint be filed on behalf of the County, and that the Board allow a default judgment to be entered against the County foreclosing any lien arising under the Order for Compliance, which lien, of course, does not exist. The approval of the Consent Agenda upon which this item has been placed shall be deemed the approval of the foregoing recommendation.

CKG/dpr

cc: Chereese Stewart, Economic Development Services Director  
Tonya George, Code Enforcement Department

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