

1. ACTION REQUESTED/PURPOSE: Authorize Chairwoman to execute a County Deed for the purpose of correcting an erroneous Tax Deed and restoring title to the proper owner.

2. WHAT ACTION ACCOMPLISHES: Corrects erroneous Tax Deed and restores title of property to proper owner.

3. MANAGEMENT RECOMMENDATION:

4. Departmental Category: *12*

C12A

5. Meeting Date: 11/14/06

6. Agenda:

7. Requirement/Purpose: (specify)

8. Request Initiated:

<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Statute
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance
<input type="checkbox"/> Appeals	<input type="checkbox"/> Admin. Code
<input type="checkbox"/> Public	<input checked="" type="checkbox"/> Other <small>County Clerk</small>
<input type="checkbox"/> Walk-On	F.A.C. 12D-013.066(4)

Commissioner _____
 Department County Attorney
 Division Land Use
 By: *Robert D. Spickerman*
Robert D. Spickerman
 Assistant County Attorney

9. Background: The Clerk's Office has requested that the County issue a deed for the purpose of completing the process of restoring property title to the proper owner after the erroneous sale of a tax deed for the property. Please see attached letter from the Clerk's Office.

Attachment: Letter from Clerk's Office and Proposed County Deed

cc: Debbie Underwood, Delinquent Tax Office

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
				<i>Longth</i>	Analyst	Risk	Grants	Mgr.	
				<i>John</i>	<i>RK III</i>	<i>W/11/06</i>	<i>M/11/06</i>	<i>11/11/06</i>	<i>AS 11/21/06</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
10/31/06 2:30 pm

RECEIVED BY
COUNTY ADMIN:
10/31/06
4:10 M.P.
COUNTY ADMIN
FORWARDED TO:
11/2/06 - 2:15 P. Rao.

2006 SEP 28 AM 10:57
RECEIVED BY
LEE CO. ATTORNEY

Memorandum

DATE: September 28, 2006

TO: **Tim Jones, County Attorney**
FROM: Debbie Underwood, Delinquent Tax Office, Manager

RE: **Restoring title of property due to erroneous Tax Deed 2006-000324**
San Carlos Park, Unit 8A, Block 34, PB 14 PG 58, Lots 58 & 59 Strap # 17-46-25-10.00034.0580

I have attached a County Deed for the purpose of restoring a title to property.

This property was scheduled and sold at a Tax Deed auction on July 14, 2006 by the Lee County Clerk of Circuit Court. The property was sold to Postulate Investments LLC (Delawar) in the amount of \$ 42,323.20

After the sale we were made aware that due process as stated in FS 197. was not completed.

Our Clerks Attorney deemed this an invalid issuance of a Tax Deed. We ask and received from the buyer Postulate Investments LLC (Delaware) a Quit Claim Deed transferring property to Lee County per Florida Administrative Code 12D-013.066 (4).

I am releasing the County Deed to you for the attachment of the Blue Sheet required by BOCC. Once the Board has signed and approved please return the deed to me so that we can record the document restoring the property to the previous owner.

Charlie Green, Clerk



By Debbie Underwood
, Deputy Clerk

This Instrument Prepared by:

Robert D. Spickerman
Lee County Attorney's Office
Post Office Box 398
Fort Myers, FL 33902-0398

STRAP No. 17-46-25-10-00034.0580
Tax Deed No. 2006-000324

THIS SPACE FOR RECORDING

COUNTY DEED
(Statutory)

THIS DEED, executed this ___ day of _____, 20 __, by **LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA**, whose address is Post Office Box 398, Fort Myers, Florida 33902-0398 GRANTOR, to **CHARLES F. COLLMAN** whose address is 7727 Myrtle Road, Fort Myers, FL 33912, GRANTEE.

WITNESSETH: The GRANTOR, for and in consideration of the sum of Ten (\$10.00) Dollars to it in hand paid by the GRANTEE, receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEE, its heirs and assigns forever, the following described land, lying and being in Lee County, Florida:

San Carlos Park, Unit 8A, Block 34, PB 14 PG 58, Lots 58 & 59

The purpose of this deed is to restore title to the proper owner and thereby correct an erroneous tax deed, as provided in Rule 12D-13.066(4) of the Florida Administrative Code.

This grant conveys only the interest of the County and its Board of County Commissioners in the property herein described, and does not warrant the title or represent any state of facts concerning the same.

IN WITNESS WHEREOF the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chair or Vice Chair of said Board, the day and year above.

(OFFICIAL SEAL)
ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman

APPROVED AS TO LEGAL FORM:

Office of County Attorney