

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: February 7, 2012 **Consent** **Regular**
 Ordinance **Public Hearing**

Department: Department of Economic Sustainability

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to ratify: the acceptance of three (3) deeds in lieu of foreclosure received by Palm Beach County as follows:

- A) Deed in lieu of foreclosure from Leroy J. Spruill, Jr. dated January 21, 2010, and recorded in Official Record Book 24339, Page 1955, of the Public Records of Palm Beach County, Florida;
- B) Deed in lieu of foreclosure from Siam Jude Joseph dated September 24, 2010, and recorded in Official Record Book 24169, Page 1776, of the Public Records of Palm Beach County, Florida; and
- C) Deed in lieu of foreclosure from Naimah Abdul Rahmaan dated August 17, 2011, and recorded in Official Record Book 24716, Page 1526, of the Public Records of Palm Beach County, Florida.

Summary: Each of the above named individuals received repayable first mortgage assistance to enable them to purchase homes under the Universal Housing Trust Fund Program (UHTF). In addition, Mr. Spruill and Mr. Joseph received forgivable second mortgage assistance under the State Housing Initiatives Partnership (SHIP) Program, and Ms. Abdul Rahmaan received forgivable second mortgage assistance under the HOME Investment Partnership (HOME) Program. The recipients defaulted on their first mortgage payments and requested that the County accept a deed in lieu of foreclosure. The three (3) above stated deeds were prepared by the County Attorney's Office and accepted by the County in response to such request. The County Administrator, with the concurrence of the County Attorney, approved these settlements pursuant to the Administrative Code. The mortgages of record were satisfied as part of this transaction. The satisfaction of these mortgages may be regarded as debt forgiveness under Internal Revenue Service rules and may have tax reporting implications for these recipients. This ratification will formalize the acceptance of these three (3) deeds which will enable the cancellation of the associated mortgages as receivable assets and will enable any tax reporting filings to move forward. The homes will be sold to income eligible homebuyers. (MHA) Districts 2, 6 and 7 (TKF)

Background and Justification: Leroy J. Spruill, Jr. received \$142,000 in UHTF funding which was secured by a repayable first mortgage and received \$20,000 in SHIP funding which was secured by a forgivable second mortgage, to enable him to purchase a home at 5030 Elmhurst Road, Unit E, West Palm Beach, FL 33417. At the time the deed in lieu of foreclosure was accepted by the County, Mr. Spruill owed \$131,331.33 on the first mortgage, and \$20,000 on the second mortgage. **(Continued on Page 3)**

Attachments:

- 1. Deed in lieu of foreclosure from Leroy J. Spruill, Jr., dated January 21, 2010
- 2. Deed in lieu of foreclosure from Siam Jude Joseph dated September 24, 2010
- 3. Deed in lieu of foreclosure from Naimah Abdul Rahmaan dated August 17, 2011

Recommended By: Edward R. Zamp 1/17/2012
 Department Director Date

Approved By: Sharon [Signature] 1/24/12
 Assistant County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income					
In-Kind Match (County)					
NET FISCAL IMPACT	-0-				

# ADDITIONAL FTE POSITIONS (Cumulative)	-0-				
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Is Item Included In Current Budget? Yes No

Budget Account No.:

Fund _____ Dept _____ Unit _____ Object _____ Program Code/Period _____.

B. Recommended Sources of Funds/Summary of Fiscal Impact:

No fiscal impact.

C. Departmental Fiscal Review: Shairette Major, Fiscal Manager I *SM* 1-17-12

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

OFMB *[Signature]* 1/24/12
SB 1/24/12
[Signature] 1/24/12
 Contract Development and Control
1-24-12 B. [Signature]

B. Legal Sufficiency:

[Signature] 1/26/12
 Senior Assistant County Attorney

C. Other Department Review:

 Department Director

Background and Justification: (Continued from Page 1)

Siam Jude Joseph received \$232,300 in UHTF funding which was secured by a repayable first mortgage and received \$20,000 in SHIP funding, which was secured by a forgivable second mortgage, to enable him to purchase a home at 769 Imperial Lakes Road, West Palm Beach, FL 33413. At the time the deed in lieu of foreclosure was accepted by the County, Mr. Joseph owed \$222,054.48 on the first mortgage and \$20,000 on the second mortgage. Naimah Abdul Rahman received \$123,000 in UHTF funding which was secured by a repayable first mortgage and received \$60,000 in HOME funding which was secured by a forgivable second mortgage, to enable her to purchase a home at 702 Latona Avenue, Lake Worth, FL 33460. At the time the deed in lieu of foreclosure was accepted by the County, Ms. Abdul Rahman owed \$114,000.12 on the first mortgage and \$50,996.36 on the second mortgage.



CFN 20110037083
OR BK 24339 PG 1955
RECORDED 01/31/2011 16:08:23
Palm Beach County, Florida
Sharon R. Bock, CLERK & COMPTROLLER
Pgs 1955 - 1956; (2pgs)

THIS INSTRUMENT PREPARED BY/RETURN TO:
Palm Beach County
Housing and Community Development
100 South Australian Avenue, Suite 500
West Palm Beach, FL 33406
Prepared by: Pamela G. Eidelberg, Assistant County Attorney
Attention: Edward Lowery

DEED IN LIEU OF FORECLOSURE

THIS DEED IN LIEU OF FORECLOSURE, made this 21 day of January, 2011, between, LEROY J. SPRULL, JR. a single man, whose address is: 12285 61ST Lane North, West Palm Beach, FL 33412, and Palm Beach County Housing and Community Development, whose address is: 100 South Australian Avenue, Suite 500, West Palm Beach, FL 33406.

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, with General Warranty of title, to Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

LOT E, BLOCK 2, PARK PLACE TOWNHOMES, according to the plat recorded in PLAT BOOK 39, Page 70, as recorded in the Public Records of Palm Beach County, Florida

whose property address is: 5030 Elmhurst Rd., Apt E, West Palm Beach, FL 33417.

TOGETHER with all the tenements, hereditaments, rights-of-way, easements, privileges and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that said land is free of all encumbrances other than any easements, rights-of-ways, restrictions and other similar encumbrances of record insofar as they may lawfully affect the land; that Grantor has good right and lawful authority to sell and convey said land; and that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

THE CONSIDERATION FOR THIS DEED IN LIEU OF FORECLOSURE is the release of the Mortgage and Promissory Note dated September 7, 2005, in the principal amount of \$142,000.00, said Mortgage being recorded in the Official Records of Palm Beach County, Florida, at Official Records Book 19241, Pages 1655-1662, and mortgaged the property described herein, then owned by and in possession of the Grantor.

It is the intention of the parties that (i) there shall not be a merger of the fee simple title with the lien of such mortgage; (ii) the mortgage shall survive until such time as Grantee records a separate Satisfaction of Mortgage; (iii) this deed represents an absolute conveyance of title to the above-described premises to Grantee free of any equity of redemption by Grantor, and; (iv) this deed is not given as additional security.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

LEON ST. JOHN
Witness (print name)

LeRoy J. Spruill, Jr.
(signature)

Leon St. John
Witness (signature)

Vicki M. Byrd
Witness (print name)

Vicki M. Byrd
Witness (signature)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Deed in Lieu of Foreclosure was acknowledged before me this 21st day of January, 2011, by LEROY J. SPRUILL, Jr., who is personally known to me OR has produced DRIVER'S LICENSE as identification.

Eleanor J. Reinhart
NOTARY PUBLIC

Print, Type or Stamp
Commissioned Name of Notary



ELEANOR J. REINHART
Commission DD 633026
Expires January 30, 2011
Bonded Thru Troy Pain Insurance 800-385-7019



CFN 20100415201
 OR BK 24169 PG 1776
 RECORDED 11/01/2010 16:05:36
 Palm Beach County, Florida
 AMT 10.00
 Doc Stamp 0.70
 Sharon R. Bock, CLERK & COMPTROLLER
 Pgs 1776 - 1777; (2pgs)

Return to:
 Palm Beach County
 Housing and Community Development
 100 South Australian Avenue, Suite 500
 West Palm Beach, FL 33406
Attention: Edward Lowery
 Prepared by: Pamela G. Eidelberg,
 Assistant County Attorney

DEED IN LIEU OF FORECLOSURE

THIS DEED IN LIEU OF FORECLOSURE, made this 24th day of September, 2010, between, SIAM JUDE JOSEPH, an unmarried man, whose address is: 769 Imperial Lake Road, West Palm Beach, FL 33413, referred to as the Grantor, and PALM BEACH COUNTY HOUSING AND COMMUNITY DEVELOPMENT, whose address is: 100 South Australian Avenue, Suite 500, West Palm Beach, FL 33406, referred to as the Grantee.

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, with General Warranty of title, to Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

Lot 367, of WATERWAYS TAHERI PUD, According to the Plat thereof, as Recorded in the Public Records of Palm Beach County, Florida, in Plat Book 101, Pages 40-49.

whose property address is: 769 Imperial Lake Road, West Palm Beach, FL 33413.

TOGETHER with all the tenements, hereditaments, rights-of-way, easements, privileges and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that said land is free of all encumbrances other than any easements, rights-of-ways, restrictions and other similar encumbrances of record insofar as they may lawfully affect the land; that Grantor has good right and lawful authority to sell and convey said land; and that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

THE CONSIDERATION FOR THIS DEED IN LIEU OF FORECLOSURE is the release of the Mortgage and Promissory Note dated July 22, 2005, in the principal amount of \$232,300.00, said Mortgage being recorded in the Official Records of Palm Beach County, Florida, at Official Records

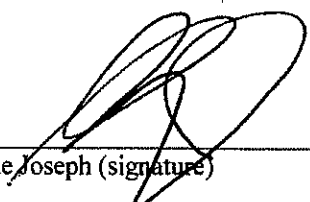
Book 18956, Pages 1012-1019, and mortgaged the property described herein, then owned by and in possession of the Grantor.

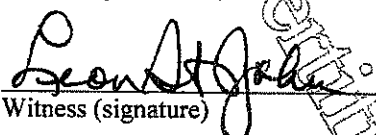
It is the intention of the parties that (i) there shall not be a merger of the fee simple title with the lien of such mortgage; (ii) the mortgage shall survive until such time as Grantee records a separate Satisfaction of Mortgage; (iii) this deed represents an absolute conveyance of title to the above-described premises to Grantee free of any equity of redemption by Grantor, and; (iv) this deed is not given as additional security.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

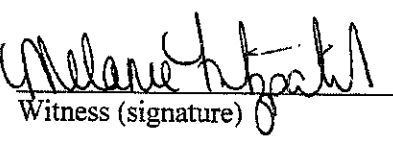
Signed, sealed and delivered in our presence:

LEON ST. JOHN
Witness (print name)


Siam Jude Joseph (signature)


Witness (signature)

Melanie Fitzpatrick
Witness (print name)

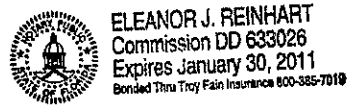

Witness (signature)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Deed in Lieu of Foreclosure was acknowledged before me this 24th day of SEPTEMBER, 2010, by SIAM JUDE JOSEPH, who is personally known to me OR has produced D.L.# J 210-790-65-216-D as identification.
FLORIDA


NOTARY PUBLIC

ELEANOR J. REINHART
Print, Type or Stamp
Commissioned Name of Notary





CFN 20110323746
 OR BK 24716 PG 1526
 RECORDED 08/29/2011 15:41:54
 Palm Beach County, Florida
 AMT 10.00
 Doc Stamp 0.70
 Sharon R. Beck, CLERK & COMPTROLLER
 Pgs 1526 - 1527; (2pgs)

THIS INSTRUMENT PREPARED BY/RETURN TO:
 Palm Beach County
 Housing and Community Development
 100 South Australian Avenue, Suite 500
 West Palm Beach, FL 33406
 Prepared by: Pamela G. Eidelberg, Assistant County Attorney
 Attention: Edward Lowery

DEED IN LIEU OF FORECLOSURE

THIS DEED IN LIEU OF FORECLOSURE, made this 17th day of August, 2011, between, NAIMAH ABDUL RAHMAAN, an unmarried woman, whose address is: 970 Cotton Bay Drive, Apt. #1801, West Palm Beach, Florida 33406, and Palm Beach County Housing and Community Development, whose address is: 100 South Australian Avenue, Suite 500, West Palm Beach, FL 33406.

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable considerations to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold, with General Warranty of title, to Grantee, and Grantee's successors and assigns forever, the following described land, situate, lying and being in Palm Beach County, Florida, to-wit:

Lot 15, AMENDED PLAT OF LATONA COURT, according to the Plat thereof, as recorded in Plat Book 11, Page 26, public records of Palm Beach County Florida

Parcel Identification Number: ~~38-43-44-34-02-000-0150~~

whose property address is: 702 Latona Avenue, Lake Worth, FL 33460

TOGETHER with all the tenements, hereditaments, rights-of-way, easements, privileges and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that said land is free of all encumbrances other than any easements, rights-of-ways, restrictions and other similar encumbrances of record insofar as they may lawfully affect the land; that Grantor has good right and lawful authority to sell and convey said land; and that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

THE CONSIDERATION FOR THIS DEED IN LIEU OF FORECLOSURE is the release of the First and Second Mortgages and Promissory Notes dated February 16, 2007, in the principal amount of \$123,000.00 and \$60,000.00, respectively, said Mortgages being recorded in the Official Records of

Palm Beach County, Florida, at Official Records Book 21442, Pages 0630-0641, and mortgaged the property described herein, then owned by and in possession of the Grantor.

It is the intention of the parties that (i) there shall not be a merger of the fee simple title with the lien of such mortgage; (ii) the mortgage shall survive until such time as Grantee records a separate Satisfaction of Mortgage; (iii) this deed represents an absolute conveyance of title to the above-described premises to Grantee free of any equity of redemption by Grantor, and; (iv) this deed is not given as additional security.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Andrew J. McMahon
Witness (print name)

Naimah Abdul Rahman
Naimah Abdul Rahman (signature)

Andrew McMahon
Witness (signature)

Angelic Crowder
Witness (print name)

[Signature]
Witness (signature)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Deed in Lieu of Foreclosure was acknowledged before me this 17th day of August, 2011, by NAIMAH ABDUL RAHMAAN, who is personally known to me OR has produced FL DL A134-620-78-551-0 as identification.



Denise Fishel
NOTARY PUBLIC

Print, Type or Stamp
Commissioned Name of Notary

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