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May 19, 2025

Jon A. Jouben, Hernando County Attorney  
20 N. Main St., Room 462  
Brooksville, FL 34601

Re: Improper County liens on property located at 8405 Hillcrest Dr., Brooksville, FL 34601

Dear Mr. Jouben:

This letter is to request the removal of County liens recorded on the above property after recording of a mortgage foreclosure lis pendens but before issuance of a certificate of title

I, James A. Boyko, acquired the property on March 15, 2021 through purchase at a foreclosure auction as shown on the Certificate of Title attached as exhibit "A". The property was subsequently sold to Robert A. Andrews and Christen M. Andrews, husband and wife by warranty deed dated January 10, 2022 as shown on the attached exhibit "B". The original Lis Pendens was recorded on September 21, 2018 as shown on the attached exhibit "C". The six liens in question, as shown on the attached composite exhibit "D", were recorded after the date of recording of the lis pendens and before the issuance of the certificate of title.

The liens were discharged in the foreclosure action and should be cancelled or discharged to be of no effect. This is in accordance with Florida law, specifically s. 48.23(1)(d) which states, in pertinent part:

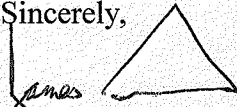
Except for the interest of persons in possession or easements of use, the recording of such notice of lis pendens, provided that during the pendency of the proceeding it has not expired pursuant to subsection (2) or been withdrawn or discharged, constitutes a bar to the enforcement against the property described in the notice of all interests and liens, including, but not limited to, federal tax liens and levies, unrecorded at the time of recording the notice unless the holder of any such unrecorded interest or lien moves to intervene in such proceedings within 30 days after the recording of the notice and the court ultimately grants the motion. If the holder of any such unrecorded interest or lien does not intervene in the proceedings and if such proceedings are prosecuted to a judicial sale of the property described in the notice, the property shall be forever discharged from all such unrecorded interests and liens.

This is consistent with the case of Ober v. Town of Fort Lauderdale-By-The-Sea, 218 So. 3d 952 ( Fla. 4<sup>th</sup> DCA 2017). Moreover the Florida Supreme Court in the case of City of Palm Bay

v. Wells Fargo Bank, NA, 114 So. 3d 924 (Fla. 2013) held that a municipal ordinance may not establish a super priority status for municipal code enforcement liens. I have attached those cases for your review. Accordingly I respectfully request your office direct that the liens be withdrawn, voided or cancelled. I gave a warranty deed to the property to the current owner and have assured him that I will clear the title to the property. I have not found any authority that indicates that the liens are valid and should be paid. If they are valid liens then I will see to it that they are paid. I am open to any well-reasoned authority that runs counter to my analysis. The current owner wishes to sell this property therefore I respectfully request your response within thirty days of the date of this letter or I see little alternative to commence a quiet title action which unfortunately will involve court costs and attorneys fees. I am a resident of Hernando County and I feel our counties' resources would be better utilized in something other than defending a quiet title action where there is no apparent legal or factual basis for asserting the validity of the liens in this circumstance.

Many thanks for your assistance.

Sincerely,

  
James A. Boyko  
Attorney at Law

Jab/jb

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