

RECEIVED AUG 13 2010

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August 12, 2010

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Mr. Andy Johnson, Building Inspector
Southampton County
Post Office Box 400
Courtland, VA 23837

Re: Grass cutting liens

Dear Andy:

In response to your letter of August 5, 2010, I am enclosing herewith a copy of a Resolution that needs to be adopted by the Board at its August meeting. With a copy of this letter, I am sending the original of this Resolution to Mike Johnson.

In your letter you ask whether the associated legal fees can be included in the lien. Unfortunately, the answer on this is no.

You will note that the Resolution recites notice to the landowners and the ordinance requires it. I am assuming that you have given the proper notice. If not, please give me a call so that we can discuss it. Your cooperation will be appreciated.

With kind personal regards, I am

Very sincerely,



Richard E. Railey, Jr.

abr

Enclosure

pc: Mr. Michael W. Johnson, Administrator
Southampton County

RESOLUTION AS TO CREATION OF LIENS SECURING EXPENSES OF ENFORCEMENT
OF THE GRASS CUTTING ORDINANCE, SEC. 10-48 OF
THE SOUTHAMPTON COUNTY CODE

WHEREAS, Sec. 10-48 Weeds, Grass and Unhealthy Growth A. provides in pertinent part

"A. It shall be unlawful for any owner, lessee or occupant, or any agent or representative, or employee of such owner, lessee or occupant, having control of any parcel of land in the County to allow, permit, or maintain any growth, weeds, grass or unhealthy growths thereon or along the sides thereof within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial or industrial use in the County to a height exceeding twelve (12) inches."

and

WHEREAS, said Sec. 10-48 further provides that when any condition exists on any lot or parcel of land in the County in violation of subsection A of this section, it shall be the duty of a designee, as determined by the Board of Supervisors, to serve or cause to be served notice upon the owner, lessee, or occupant of such lot or parcel of land, requiring the owner, lessee or occupant of such lot to cut and remove the weeds, grass, or unhealthy growths existing upon such lot or parcel within ten (10) days of service of such notice upon such owner, lessee or occupant; and

WHEREAS, said Sec. 10-48 further provides that if such owner, lessee or occupant fails to act or remove the weeds, grass, or unhealthy growth within the time specified in such notice, the Board shall, through its agents or employees, have such weeds, grass or unhealthy growth cut, and in that event, the costs and expense thereof shall be chargeable to and paid by the owner of such property and may be collected by the County as taxes and levies are collected; and

WHEREAS, Robert L. Barnett, Director of Community Development, acting as designee of the Southampton County Board of Supervisors, has provided notice to the below listed landowners, in Schedule "A" attached hereto and made a part hereof, in accordance with the provisions of Sec. 10-48, as to their violations of said Sec. 10-48; and

WHEREAS, the owners listed on Schedule "A" attached hereto and made a part hereof have failed to respond to said notices and have failed to cure such violations; and

WHEREAS, in accordance with the provisions of said Sec. 10-48, said designee has contracted for such weeds, grass or unhealthy growth to be cut so as to bring such lots into compliance with paragraph A of said Sec. 10-48; and

WHEREAS, in cutting said weeds, grass or unhealthy growth, Southampton County has incurred costs and expenses that shall be chargeable to and paid by the owners of such property,

and collected by the County as taxes and levies are collected, in accordance with the provisions of Sec. 10-48; and

WHEREAS, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, such lien securing the costs and expenses of such grass cutting shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien unless, at the time of the transfer of record of the real estate to the purchaser, a statement containing the name of the record owner of the real estate and the amount of such unpaid charges, as entered in the Judgment Lien Book in the Clerk's Office where deeds are recorded, or is contained in the records maintained by the Treasurer for real estate liens, pursuant to §58.1-3930 of said Code; and

WHEREAS, in accordance with §15.2-104 of the 1950 Code of Virginia, as amended, it is necessary that a statement containing the name of the record owner of the real estate and the amount of such unpaid charges be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office.

NOW, THEREFORE, be it therefore resolved by the Board of Supervisors of Southampton County, Virginia, that in accordance with Sec. 10-48 of the Southampton County Code and §§ 15.2-901 and 15.2-104 of the 1950 Code of Virginia, as amended, a lien is hereby asserted against each lot or parcel of land identified herein in Schedule "A" attached hereto for the amount identified beside said parcel or tract of land; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Southampton County, Virginia, that notwithstanding said lien hereby asserted, the amount secured by said lien shall continue to be the obligation of the owner of such real estate at the time said costs and expense are incurred; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Southampton County, Virginia, that the said Robert L. Barnett, acting as a designee of the Southampton County Board of Supervisors, shall cause a statement as provided by §15-104 of said Code, containing the name of the record owner of the real estate, the amount of such unpaid charges, and such other information as may be pertinent in identifying such real estate, to be entered in the Judgment Lien Book in the Clerk's Office of the Circuit Court of Southampton County and in the Southampton County Treasurer's Office, as provided by §15.2-104; and

BE IT FURTHER RESOLVED, by the Board of Supervisors of Southampton County, Virginia, that all actions taken by the said Robert Barnett, as designee for the Southampton County Board of Supervisors, in accordance with the provisions of Sec. 10-48 are hereby **RATIFIED, CONFIRMED and APPROVED**.

The undersigned Clerk of the Board of Supervisors of Southampton County, Virginia certifies that the foregoing constitutes a true, complete and correct copy of the Resolution adopted at a regular meeting of the Board of Supervisors of Southampton County, Virginia held on August 23, 2010.

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SCHEDULE "A"

Lots or parcels found to be in violation of Section 10-48 A of the Southampton County Code and requiring the cutting and removing of weeds, grass, or unhealthy growth existing upon such lots or parcels, in accordance with Sec. 10-48 B.

<u>Property Address</u>	<u>Respective Owners</u>	<u>Date Invoiced</u>	<u>Costs</u>
30117 Meherrin Road Boykins, VA 23827	Toronto Branch-Gilchrist 30117 Meherrin Road Boykins, VA 23827	August 3, 2010	\$ 50.00
32019 Riverdale Drive Franklin, VA 23851	Eugene F. Cassidy 32019 Riverdale Drive Franklin, VA 23851	August 3, 2010	\$ 50.00
TOTAL			\$100.00