

PUBLIC NOTICES

An American Tradition

Public notice is an important tool in assuring an informed citizenry. Notices are mandated by legislatures to make sure there is a public window into the activities of governments, officers of the court and others holding a public trust. There are four key elements to a valid public notice. It should be executed by an entity outside the one mandated to provide notice, so proper checks and balances are in place.

A public notice informs citizens of government or government-related activities that affect citizens' everyday lives. A public notice typically has four elements:

- **Independent:** A public notice is published in a forum independent of the government, typically in a local newspaper.
- **Archivable:** A public notice is archived in a secure and publicly available format.
- **Accessible:** A public notice is capable of being accessed by all segments of society.
- **Verifiable:** The public and the source of the notice are able to verify that the notice was published, usually by an affidavit provided by the publisher.

(Adapted from the Public Resource Notice Center)

Types of Public Notices

There are three standard types:

- **Citizen participation notices** inform the public about proposed government action and allow the public time to react to such proposals. One such example is a public hearing notice.
- **Business and commerce notices**

relate to government contracts and purchases. Notices of contract bids allow citizens to ensure that the government is operating in accordance with principles of equal opportunity and is acting responsibly in spending taxpayer money.

- **Court notices** are required of many non-governmental entities that

use public powers or institutions in some way. Examples include notices of home mortgage foreclosures, which can provide a public alert of widespread credit problems, fraud in underwriting and a basis for analyses of housing trends.

This notice allows the public to object to an appointment based on any conflict of interest.

The history of public notices

Public notices existed long before the emergence of newspapers. The concept itself began when early civilizations posted notices in public squares. This crude method was eventually refined with the publication of the first English language newspaper in 1665 — a court newspaper called the Oxford Gazette. After being renamed The London Gazette, this official newspaper carried notices from the King's Court, London

officials and outlying regions. The American system is modeled after the British system. State governments published public notices before America's founding, and the newly-created federal government followed suit. In 1789, the Acts of the First Congress required the Secretary of State to publish all bills, orders, resolutions and congressional votes in at least three publicly available newspapers. An important premise both in federal

and local governments of the United States, as well as in many republics around the world, is that information about government activities must be accessible for the electorate to make well-informed decisions. Public notices in newspapers still provide this accessibility to citizens who want to know more about government activities. Public notice laws serve to outline the most effective method of reaching the public.

Public notice supports due process

Public notices are integral to democratic governance and stem from the right to "due process of law" guaranteed by the federal and state constitutions. Due process of law protects Americans' rights from arbitrary or wrongful violations. This concept has two parts: substantive due process and procedural due process. Substantive due process refers to the

types of rights that are protected. Procedural due process refers to the means of protecting those rights. Substantive due process ensures that certain basic rights are not violated, while procedural due process may require suitable notice and a hearing before a government or court-appointed body can act in a way that may affect those basic rights. Public notices play a vital role in

substantive and procedural due process because they provide a window into government actions and also afford notice to citizens of actions about to take place so they may exercise their constitutional right to be heard. Notification not only informs the individual or entity most directly affected, but it also informs the public, which has an interest in knowing how public powers are being used.

THE RISKS OF NOTICES ONLY ON THE INTERNET

Although it has been part of American society for a quarter-century as a network for scholars and government agencies, the Internet has been widely used by citizens for about 15 years. Because of its structure with computer clients and servers, information packets and open-network codes, the Internet remains vulnerable and sometimes unstable. Power surges, corrupted software and downed servers can disrupt access. Government agencies cannot ensure that information located on a server is secure. Even a highly technological site like that of the Pentagon's has been affected. In June 2007, the Pentagon was forced to take about 1,500 computers off-line because of a cyber-attack. Then-Defense Department Secretary Robert Gates stated that the Pentagon sees hundreds of attacks every day.

Public notices guard our constitutional right to due process of law by informing citizens of government action and providing proof of publication via notarized affidavits of publication. Unlike the time-tested and trusted local newspapers that citizens have come to rely on for public notices, the Internet is an unstable medium for information. While it is valuable tool in disseminating information, it has not yet reached a level of sophistication and technological stability that would justify its supplanting newspapers as the primary venue for public notices.

It is still uncertain how a "Net" affidavit could show proof of a public notice publication when constant technological change makes any attempt at archiving and accessing such a document online for any significant time dubious.

No less problematic for the Internet is its reach. Those who live in rural areas where broadband does not exist and others who simply cannot afford the Internet cannot access web public notices. In situations where foreclosures are on the rise due, in part, to predatory mortgage lending, more, not less, access to public notices is needed to better inform citizens about their rights and their choices.

It is difficult to justify, then, moving public notices from newspapers only to public-notice Web sites administered either by already over-burdened state governments or by third-party vendors who lack the experience and long-term viability newspapers have proven in publishing notices. So far in the Internet age, newspapers remain the most trusted and primary method for providing citizens access to public notices.

WHY NEWSPAPERS?

Newspapers are the primary source
Newspapers, founded on the constitutional right of free press, have been serving the public's right to know in America since pre-colonial times and on the European continent since the 17th century. Because of their traditional information role in society and their long-established independence, newspapers remain the primary source for publishing public notices. Upholding the public's right to know is essential to our country's way of life. Our government governs with the consent of the people, and this consent must be informed. Local newspapers keep the public informed about the inner workings of their respective state and local governments, thereby allowing citizens to participate more fully in the democratic process. Without this participation, the potential for misguided policies increases.

Newspaper tradition
Newspapers allow the government to notify the public of government actions. The government has a fundamental responsibility to ensure adequate notification to the public of its actions. Therefore, the government has a duty to make sure the methods used in satisfying this responsibility are the most effective. Newspapers provide neutrality from government and credible distance from political pressures or partisan disagreements. Local and community newspapers serve as third-party reporters to the public, publishing information that can be beneficial or sometimes detrimental to the government's public image. They provide an environment for notices that the

public traditionally has regarded as neutral. Public notices in this print environment gain credibility because of the long history of trust in the local newspaper. Placing notices on government Web sites undermines this neutral interest and removes a critical check and balance. While it may seem appealing on the surface in an age of ever-more sophisticated government Web sites, the potential for mishandling is great. On the other hand, public notices in independent newspapers increase government transparency by opening up the decision-making process to the public's eyes. Without this oversight, local governments could enact controversial policies without input from the public. Newspapers serve as effective monitors of governments and ensure that they publish information as required by law. Public notices are typically required by a statute or a regulation. The independent press can provide a valuable civic role by helping to monitor that the notices were published when required. If governments were responsible for publishing their own notices, no neutral and independent entity would have the incentive and the means to track public-notice publication.

Newspapers: The best medium for public notices
Newspapers, for the most of the republic's history, have been the accepted medium for public notices. This is exactly where the public, even infrequent readers, expects to find them. In addition, specialized publications, such as legal newspapers, are well known for

providing public notices to the population through legal communities. Other general interest newspapers, such as county seat weeklies, are the forum where county citizens expect to locate notices of important public business. Furthermore, the vast majority of these notices arrive at citizens' homes in a context that compels readership (amid local news, sports features and other content). Another reason for the effectiveness of newspapers is that newspapers provide valid evidence of readership. Legislatures are rightly concerned about web-only notices, given the digital divide between rich and poor, rural and urban residents. The Internet is either too costly or simply geographically unavailable to large segments of society.

Notices become historical records
The newspaper as paper of record is an important factor in the public policy of notices. Government Web sites cannot provide a secure archival history the way newspapers can. Electronic records lack permanence and can easily be intentionally or accidentally erased. Even the Library of Congress has recognized this shortcoming and has embarked upon a major project to attempt to archive digital records that are in danger of being "forever lost" due to Internet impermanence. Despite these problems, the federal courts unwisely approved a rule change to the Federal Rules of Civil Procedure recently that would

move notices of federal asset forfeitures out of newspapers and onto a Web site administered by the Department of Justice. Yet, the courts have little research to show that the Justice Department's Web site will produce viable, accessible, archivable notices. While Internet web pages pose serious archiving challenges, newspapers, on the other hand, become historical documents. They are oriented and published with a date on every page. They cannot be deceptively altered after printing as a web page could. Historians, judges, lawyers, genealogists and researchers, to name only a few, use newspapers and public notices in particular as sources for records.

Newspaper notices protect due process
Procedural due process, as granted by the U.S. Constitution and interpreted by courts, generally requires an individual to receive notice and a hearing before he or she is deprived of certain rights or property. For example, before a person's home is sold by a county sheriff at a foreclosure sale, he or she must receive notice of the foreclosure sale and an opportunity to save the house from foreclosure. If the owner does not receive the notice, he may challenge the sale in court. The court may then void the sale or prevent the sale from happening to protect due process. Newspapers are generally paid to run public notices, which recognizes that their publication creates a cost in paper, ink and delivery.



FIRST INSERTION

NOTICE OF ACTION - CONSTRUCTIVE SERVICE IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA GENERAL JURISDICTION DIVISION

CASE NO. 2014-CA-000314

REVERSE MORTGAGE SOLUTIONS, INC., Plaintiff, vs.

ROSA L SOPENA, et al. Defendant(s),

TO: RENE A. SOPENA

whose residence is unknown and all parties having or claiming to have any right, title or interest in the property described in the mortgage being foreclosed herein.

TO: THE UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF ROSA L. SOPENA A/K/A ROSA SOPENA, DECEASED.

whose residence is unknown if he/she/they be living; and if he/she/they be dead, the unknown defendants who may be spouses, heirs, devisees, grantees, assignees, lienors, creditors, trustees, and all parties claiming an interest by, through, under or against the Defendants, who are not known to be dead or alive, and all parties having or claiming to have any right, title or interest in the property described in the mortgage being foreclosed herein.

YOU ARE HEREBY NOTIFIED that an action to foreclose a mortgage on the following property:

LOT 5, BLOCK 10, NAPLES TOWN LAKE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGES 35 AND 36, OF THE PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

has been filed against you and you are required to serve a copy of your written defenses, if any, to it on counsel for Plaintiff, whose address is 6409 Congress Avenue, Suite 100, Boca Raton, Florida 33487 within / (30 days from Date of First Publication of this Notice) and file the original with the clerk of this court either before service on Plaintiff's attorney or immediately thereafter; otherwise a default will be entered against you for the relief demanded in the complaint or petition filed herein.

THIS NOTICE SHALL BE PUBLISHED ONCE A WEEK FOR TWO (2) CONSECUTIVE WEEKS.

WITNESS my hand and the seal of this Court at Collier County, Florida, this 10 day of November, 2016.

DWIGHT E. BROCK, CLERK
CLERK OF THE CIRCUIT COURT
(Seal) BY: Leona Hackler
DEPUTY CLERK

ROBERTSON, ANSCHUTZ, & SCHNEID, PL
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
PRIMARY EMAIL: mail@rasflaw.com
16-009415 - MIE
December 2, 9, 2016 16-02320C

FIRST INSERTION

NOTICE OF ACTION IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR COLLIER COUNTY, FLORIDA CIVIL ACTION

CASE NO.: 11-2016-CA-001833-0001-XX

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR IN INTEREST TO BANK OF AMERICA, NATIONAL ASSOCIATION, AS TRUSTEE, SUCCESSOR BY MERGER TO LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR WASHINGTON MUTUAL MORTGAGE PASS-THROUGH CERTIFICATES WMALT SERIES 2006-ARS TRUST, Plaintiff, vs.

ASTRID ALSINA AKA ASTRID ANGOLA ALSINA, et al, Defendant(s).

To: CESAR L. ALSINA AKA CESAR ALSINA
Last Known Address: 2972 37th Ave NE
Naples, FL 34120

Current Address: Unknown
ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS

Last Known Address: Unknown
Current Address: Unknown

YOU ARE NOTIFIED that an action to foreclose a mortgage on the following property in Collier County, Florida: THE WEST 150 FEET OF TRACT 108 GOLDEN GATE ESTATES UNIT 64 ACCORDING TO THE PLAT THEREOF

RECORDED IN PLAT BOOK 7 PAGE 64 PUBLIC RECORDS OF COLLIER COUNTY, FLORIDA.

A/K/A 2972 37TH AVE NE, NAPLES, FL 34120

has been filed against you and you are required to serve a copy of your written defenses within 30 days after the first publication, if any, on Albertelli Law, Plaintiff's attorney, whose address is P.O. Box 23028, Tampa, FL 33623, and file the original with this Court either before service on Plaintiff's attorney, or immediately thereafter; otherwise, a default will be entered against you for the relief demanded in the Complaint or petition.

This notice shall be published once a week for two consecutive weeks in the Business Observer.

**See the Americans with Disabilities Act

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Charles Rice, Administrative Services Manager, whose office is located at 3315 East Tamiami Trail, Suite 501, Naples, Florida 34112, and whose telephone number is (239) 252-8800, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

WITNESS my hand and the seal of this court on this 22 day of November, 2016.

Clerk of the Circuit Court
(Seal) By: Leona Hackler
Deputy Clerk

Albertelli Law
P.O. Box 23028
Tampa, FL 33623
- 16-015762
December 2, 9, 2016 16-02307C

SAVE TIME

E-mail your Legal Notice
legal@businessobserverfl.com

Sarasota / Manatee counties

Hillsborough County

Pasco County

Pinellas County

Polk County

Lee County

Collier County

Charlotte County

Wednesday 2PM Deadline
Friday Publication

Business Observer

OFFICIAL COURT HOUSE WEBSITES:

MANATEE COUNTY:
manateeclerk.com

SARASOTA COUNTY:
sarasotaclerk.com

CHARLOTTE COUNTY:
charlotte.realforeclose.com

LEE COUNTY:
leclerk.org

COLLIER COUNTY:
collierclerk.com

HILLSBOROUGH COUNTY:
hillsclerk.com

PASCO COUNTY:
pasco.realforeclose.com

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pinellasclerk.org

POLK COUNTY:
polkcountyclerk.net

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Business Observer

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