



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, November 9, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 16-1543

Respondent: Cyril Javurek

Address of Violation: 5827 Spruce Creek Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/28/2016

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots.

4. CEB Case No.: 16-1300

Respondent: Jaqueline M. Acosta

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/29/2016

Compliance: Yes

Cited for violation(s) - Chapter 70, Article II, Section 70-49, (c) (1) (a) and (b), of the City of Port Orange Code of Ordinances

5. **CEB Case No.:** 16-1612

Respondent: Jaqueline M. & Donald A. Acosta

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/29/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots.

6. **CEB Case No.:** 16-1538

Respondent: Pro Tax Financial, LLC

Address of Violation: 118 Carlton Place, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 09/28/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article II (Garbage, junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of property generally-Duty of owner (d) and (f))

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 16-1383

Respondent: Stacey Kimberly Seely

Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/22/2016

Compliance: No

Cited for violation(s) - The City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property-generally duty of owner (d) Maintenance of improved residential lots.

8. **CEB Case No.:** 16-1247

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/26/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of Property Generally-Duty of Owner (d), (f).

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: 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 THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
OCTOBER 26, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:00 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Chris Hutchison, Code Enforcement Manager
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the October 19, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspector Scott Allman was sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 16-1215
Respondent: Sara R. Bonner
Address of Violation: 52 Woodfield Dr., Port Orange, FL 32129
Code Officer: Deborah Faircloth
First Notified: 09/14/2016

Compliance: No

Cited for violation(s) - City of Port Orange, Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally - Duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc., prohibited, (h) Abutting property owner maintenance of parkages.

Mr. Allman requested a dismissal of this case pursuant to Deborah Faircloth's direction. Special Magistrate Branch granted the dismissal.

5. **CEB Case No.:** 16-1324
Respondent: HSBC Bank Natl Assoc Tr, c/o Carrington Mtg Services LLC
Address of Violation: 6716 Merryvale Lane, Port Orange, FL 32128
Code Officer: Scott Allman
First Notified: 09/23/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools and

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-46, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Branch and provided a copy of the letter received from CT Corporation System, Registered Agent. Testimony was given by Mr. Allman regarding service of the Notice to the property owner and the registered agent. Special Magistrate Branch found there was sufficient notice to the property owners.

Mr. Allman further testified as to the condition of the property. The violation was to be corrected on or before October 21, 2016 by mowing the entire property and trimming all high weeds and by cleaning the pool to a clean and sanitary condition. Mr. Allman presented photographs taken by him and tendered them into evidence. He requested the violations be considered a health, safety, and welfare violation.

Mr. Allman recommended the property owner be found in violation of the above referenced codes with the violations to be corrected on or before November 27, 2016 by mowing the entire property and trimming all high weeds and by cleaning and maintaining the pool in a clean and sanitary condition. If the property owner does not comply with the Order, Mr. Allman recommends a \$100.00 fine be imposed for each day the violation continues past November 27, 2016. A cost sheet in the amount of \$53.68 was tendered into evidence by Mr. Allman.

Special Magistrate Branch admitted the photographs and the cost sheet into evidence without objection. He granted the recommendations as presented by Mr. Allman including the health, safety, and welfare violation and ordered the property owner to contact the Code Compliance Inspector for a re-inspection of the property to verify compliance with the Finding of Fact, Conclusion of Law & Order being entered. The case will be referred to the City Council for possible abatement if there is no compliance on or before November 27, 2016.

Special Magistrate Branch recommended the Finding of Fact, Conclusion of Law & Order be sent to CT Corporation, Registered Agent for the property owner along with a letter of explanation as to the representation as shown in the tax rolls.

ORDER IMPOSING FINE/LIEN

6. **CEB Case No.:** 16-1033

Respondent: Mitchell J. Scala, Katherine Scala, and Peter M. Scala

Address of Violation: 1353 E. Dexter Drive, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 08/12/2016

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code

City of Port Orange Code of Ordinances, Article II, Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Mr. Allman testified as to the notices provided and the current condition of the property. It remains in non-compliance. He recommended an Order Setting Fine/Lien be entered against the property owners in the amount of \$100.00 per day beginning October 15, 2016 with costs in the amount of \$137.06, as noted on the Cost Sheet tendered into evidence. Mr. Allman testified as to the fence repairs that were completed; however, the outside storage continues.

Special Magistrate Branch granted the recommendations as presented and admitted the cost sheet into evidence. The Affidavit of Non-Compliance was also admitted into evidence. Costs in the amount of \$137.06 were awarded to the City with a \$100.00 per day fine beginning October 15, 2016.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:56 a.m.

Special Magistrate Raymond Branch



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1543

To: Cyril Javurek
1 Diamond CSWY, Suite 21-256
Daytona Beach, FL 31406-7436
Re: 5827 Spruce Creek Rd
Port Orange, FL 32127
Parcel ID: 6322-01-00-0060
LEGAL DESCRIPTION: LOT 6 CAMBRIDGE VILLAS SUB MB 33 PG 175 PER OR 4248 PG 1998
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 15, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on September 7, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 14, 2016.

Briefly stated, the property is in violation of the following:

- (Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.
- An inspection of the property was conducted on September 15, 2016. During that inspection, I observed a lawn violation. A re-inspection was conducted on September 27, 2016 and there was no compliance. To correct the violation, the property needs to be mowed, maintained and all high weeds trimmed.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** November 9, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$7.34 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on November 9, 2016, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on December 14, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 28th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

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 THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6322-01-00-0060 **2016 Preliminary Tax Roll** Last Updated: 09-27-2016

Owner Name and Address

Alternate Key	3661991	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6322-01-00-0060	Mill Group	402 Port Orange
Full Parcel ID	22-16-33-01-00-0060	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	08 Multi Family - Less than 10 units		
Ownership Type		Ownership Percent	100
Owner Name	JAVUREK CYRIL		
Owner Name/Address 1			
Owner Address 2	1 DIAMOND CSWY SUITE 21-256		
Owner Address 3	DAYTONA BEACH FL		
Owner Zip/Postal Code	31406-7436		
Situs Address	5827 SPRUCE CREEK RD PORT ORANGE 32127		

Legal Description

LOT 6 CAMBRIDGE VILLAS SUB MB 33 PG 175 PER OR 4248 PG 1998

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4248 1998 10/1997	Warranty Deed	Qualified Sale	Yes	80,000	
2226 1058 12/1989	Warranty Deed	Unqualified Sale	Yes	1	
2094 1115 07/1979	Warranty Deed	Qualified Sale	Yes	55,000	
1899 0415 04/1977	Warranty Deed	Qualified Sale	Yes	43,000	

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	21,000	103,134	0	124,134	124,134	113,411	0	124,134	0	113,411
2014	21,000	82,101	0	103,101	103,101	103,101	0	103,101	0	103,101

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0802	MULTI FAMILY-DUPLEX	100.0	100.0	100.00	FRONT FEET	210.00	100	100	100	100	21,000
Neighborhood	5709 CAMBRIDGE VILLAS SUB.MB 33--										0
											21,000

Building Characteristics

Building Number: 118483 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118483	Two Family	192	1976	300		29%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Finished Garage (FGR)	Non-Applicable	1.0	1976	N	0%	0%	264 Sq. Feet	
002	Res BASE Area (BAS)	VINYL SIDING	1.0	1976	N	0%	0%	1844 Sq. Feet	
003	Patio (PTO)	Non-Applicable	1.0	1976	N	0%	0%	240 Sq. Feet	
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1976	N	0%	0%	68 Sq. Feet	
005	Porch, Open Finished (FOP)	Non-Applicable	1.0	1976	N	0%	0%	68 Sq. Feet	

Worske

Diane M. Maloušek
Volusia County, Clerk of Court

hereinafter called the grantor, to
Cyril Javurek

whose post office address is:
1335 Ridgewood Avenue
Holly Hill, FL 32117

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia** County, Florida, viz:

Lot 6, CAMBRIDGE VILLAS SUBDIVISION, as per map in Map Book 33, Page 175, of the Public Records of Volusia County, Florida.

SUBJECT TO Covenants, restrictions, easements of record and taxes for the current year. Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 6322-01-00-0060

Together with all the tenements, hereditaments 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 the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 19 96

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Candace Sargent
Name: CANDACE Sargent

Denise E. Groody
Name: DENISE E Groody

Name: _____

Name: _____

Lucille Worske Touchon LS
Name & Address: Lucille Worske Touchon

Name & Address: _____ LS

Name & Address: _____ LS

Name & Address: _____ LS

State of **Florida**
County of **Volusia**

The foregoing instrument was acknowledged before me this 31st day of **October**, 19 97 ,
by

Lucille Worske Touchon f/k/a Lucille M. Worske

who is personally known to me or who has produced **drivers license** as identification.

OFFICIAL NOTARY SEAL
CANDACE SARGENT

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e)



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1300

To: Jaqueline M. & Donald A. Acosta
Re: 825 Upland Dr
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150

LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR
5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 4, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given Five days to correct. A re-inspection was done on August 11, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 16, 2016.

Briefly stated, the property is in violation of the following:

1. Chapter 70, Article II, Section 70-49, © (1) (a) and (b), of the City of Port Orange Code of Ordinances.

On August 4, 2016, I observed a wrecked and disabled vehicle in the driveway. Re-inspections were conducted on August 11, 2016 and September 7, 2016 showing the conditions to be the same. To correct the violation, the wrecked and inoperable vehicle must be removed, properly stored or properly covered in accordance with city code.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondents to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** November 9, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$14.68 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on November 9, 2016, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on December 14, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 28th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 29 day of September, 2016.

Time: approx. 11:50 a.m.

J. Scott Allman
J. Scott Allman

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified and regular

this _____ day of _____, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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 THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6321-04-00-1150 **2016 Preliminary Tax Roll** Last Updated: 09-27-2016

Owner Name and Address

Alternate Key	3660951	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6321-04-00-1150	Mill Group	402 Port Orange
Full Parcel ID	21-16-33-04-00-1150	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	ACOSTA JACQUELINE M &		
Owner Name/Address 1	DONALD A ACOSTA		
Owner Address 2	825 UPLAND DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	825 UPLAND DR PORT ORANGE 32127		

Legal Description

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5969 2888	12/2006	Warranty Deed	Unqualified Sale	Yes	100
5952 0372	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5947 4351	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5910 1211	09/2006	Personal Rep.	Unqualified Sale	Yes	100
5864 4185	06/2006	Warranty Deed	Affiliated Parties	Yes	15,000
5865 4113	03/2003	Death Certificate	Unqualified Sale	Yes	100
4975 1225	10/2002	Warranty Deed	Qualified Sale	Yes	150,000
2562 1689	05/1984	Warranty Deed	Addition after sale	Yes	53,500
2467 1812	08/1983	Warranty Deed	Unqualified Sale	No	100
2467 1813	07/1983	Warranty Deed	Qualified Sale	No	13,200

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,019	120,281	12,281	147,581	147,581	147,581	0	147,581	0	147,581
2014	15,019	109,167	10,107	134,293	134,293	134,293	0	134,293	0	134,293

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	84.0	167.0	84.00	FRONT FEET	160.00	112	100	100	100	15,019
Neighborhood 5680 DEVONWOOD, HAMLET, HAMLET 1ST											
Total Land Classified											0
Total Land Just											15,019

Building Characteristics

Building Number: 118384 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118384	Single Family	208	1984	300		19%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		Yes

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

Return to:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

QUITCLAIM DEED

This Quitclaim Deed made this 15th day of November, 2006, by STEPANIAK & WRENN, P.A. a Corporation, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

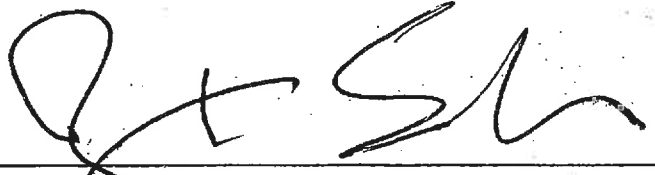
NOW THEREFORE, Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has in and to that real property located in Volusia County, Florida, and more particularly described as follows:

THE FOLLOWING DESCRIBED LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF VOLUSIA STATE OF FLORIDA:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE

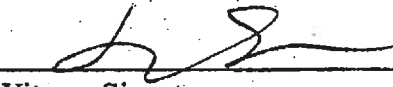
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

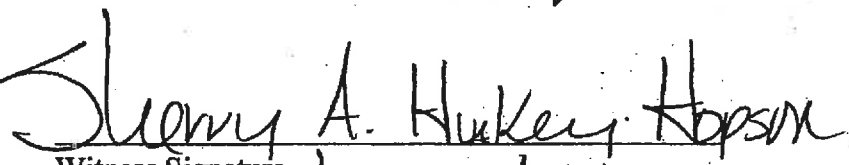


Grantor

WITNESSES:



Witness Signature
Print Name: Jane Stepniak



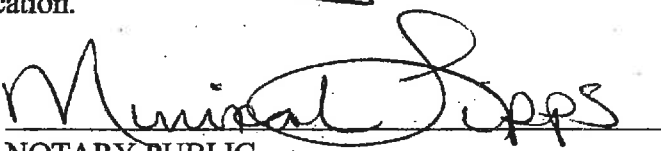
Witness Signature
Print Name: Sherry A. Huskey
Hopsom

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me, this 13th day of November 2006, by Robert F. Stepniak who is personally known to me or who has produced as identification.

NOTARY PUBLIC-STATE OF FLORIDA
 Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.



NOTARY PUBLIC

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.**(a) Findings of fact.**

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) Definitions. The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.

- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
- (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 16-1612

Name	Activity	Activity_Date	Status	Cost
Jaqueline M. & Donald A Acosta	Cost to mail Notice of Repeat Violation/Notice of Hearings to 825 Upland Drive, Port Orange, FL 32127 (via certified & regular)	10/05/2016	Certified mailings returned UNCLAIMED; regular mail not returned	\$14.68
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	11/09/2016		\$27.00
Jaqueline M. & Donald A Acosta	Cost to mail Finding of Fact, Conclusion of Law & Order to 825 Upland Drive, Port Orange, FL 32127 (via certified & regular)	11/09/2016		\$14.68

Total: 56.36



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1612

To: Jaqueline M. & Donald A. Acosta

Re: 825 Upland Dr

Port Orange, FL 32127

Parcel ID: 6321-04-00-1150

LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS
4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Volusia County Public Records

Volusia County, FL

An inspection of the premises on September 27, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in violation of the following:

- Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.
- An inspection of the property was conducted on September 27, 2016. During that inspection, I observed a repeat violation. See attached Finding of Fact and Conclusion of Law and Order. Case # 15-048. To correct the repeat violation, the property needs to be mowed, maintained and all high weeds trimmed.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondents to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** November 9, 2016 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the

Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$14.68 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on November 9, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on December 14, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 28th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: 11:50 A.M. this 29 day of September, 2016.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

☐ Posted at City Hall
☒ Sent via certified and regular

this 5 day of October, 2016.
[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
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Owner Name/Address 1	DONALD A ACOSTA		
Owner Address 2	825 UPLAND DRIVE		
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Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
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Neighborhood 5680 DEVONWOOD, HAMLET, HAMLET 1ST											0
Total Land Classified											0
Total Land Just											15,019

Building Characteristics

Building Number: 118384 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
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Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		Yes

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

Return to:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

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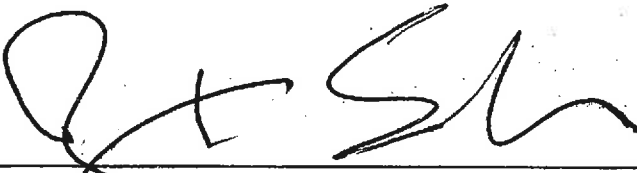
NOW THEREFORE, Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has in and to that real property located in Volusia County, Florida, and more particularly described as follows:

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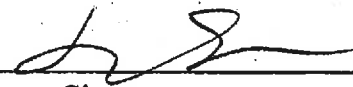
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

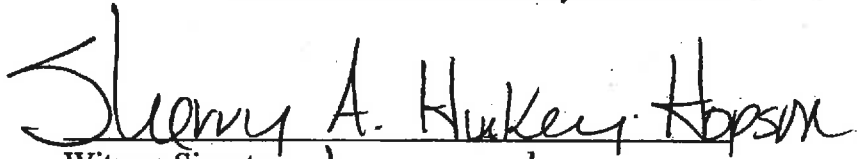


Grantor

WITNESSES:



Witness Signature
Print Name: Jane Stepniak



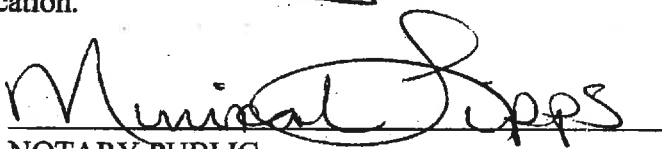
Witness Signature
Print Name: Sherry A. Huskey
Hopsom

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me, this 13th day of November 2006, by Robert F. Stepniak who is personally known to me or who has produced as identification.

NOTARY PUBLIC-STATE OF FLORIDA
 Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.



NOTARY PUBLIC

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

(e)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-048**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Jacqueline M. & Donald A. Acosta
825 Upland Drive
Port Orange, FL 32127
6321-04-00-1150

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 25, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Jacqueline M. & Donald A. Acosta, whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER
OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE
R OR 5910 PG 1211 PER OR 5947 PGS [REDACTED] PER OR 5952 PGS
[REDACTED] PER OR 5969 PGS [REDACTED] INC

B. The property is overgrown and full of yard debris. This condition was first observed at the real property described above on January 16, 2015; re-inspections made on February 16, 2015 and March 24, 2015 confirmed the condition as being the same. Respondent(s), Jacqueline M. & Donald A. Acosta, received notice via certified mail and posted at City hall on February 6, 2015 as well as property posting on February 5, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinance, and was to be corrected by February 12, 2015.

C. At the time of the hearing on March 25, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), Jacqueline M. & Donald A. Acosta, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinance, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrowth and yard debris, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and maintaining the entire property to the street and cleaning up and removing all yard debris along with any garbage or trash on or before April 2, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 2, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.30 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this Order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 25 day of March, 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Jacqueline M. & Donald A. Acosta, 825 Upland Drive, Port Orange, FL 32127 by Certified and Regular Mail this 20 day of March, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-1538

Name	Activity	Activity_Date	Status	Cost
Pro Tax Financial LLC	Cost to mail Notice of Violation/Notice of Hearings to 360 S. Technology Court Suite 100, Lindon, UT 84042 (certified & regular)	09/29/2016	Green card signed by Katie Brown on October 12, 2016	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	11/02/2016		\$27.00
Pro Tax Financial LLC	Cost to mail Finding of Fact, Conclusion of Law & Order to 360 S. Technology Court Suite 100, Lindon, UT 84042 (certified & regular)	11/09/2016		\$7.34

Total: 41.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1538

To: Pro Tax Financial LLC
360 S Technology Ct Ste 100
London, UT 84042

Re: 118 Carlton Place
Port Orange, FL 32127
Parcel ID: 6310-16-02-0080

LEGAL DESCRIPTION: W 3 FT OF S 25 FT OF LOT 7 & LOT 8 BLK B CARLTON PLACE FLEMINGS PORT ORANGE
PER OR 2503 PG 0164 PER OR 7257 PG 3921
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 14, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Efforts to contact new property owner were unsuccessful. A re-inspection was done on September 27, 2016, resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 14, 2016**.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Article II (Garbage, junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of property generally – Duty of owner (d)(f))
 - On September 14, 2016, I observed that this entire property is overgrown. Additionally, debris has been placed on the property. I researched the property ownership and found that it had been transferred to the above owner. I have been unable to reach them by phone. The entire property needs to be mowed and maintained to the street. All undergrowth needs to be cut back and trees pruned where affecting right-of-way. All trash and debris is to be removed from the property.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** November 9, 2016, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$_____ as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 9, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **December 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 28th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Pro Tax Financial LLC, 360 S Technology Ct Ste 100, Lindon UT 84042, RE: 118 Carlton Place, Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx. 3:30 pm

this 28th day of September, 2016.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Pro Tax Financial LLC, 360 S Technology Ct Ste 100, Lindon UT 84042, RE: 118 Carlton Place, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified and regular

this 29 day of September, 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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 THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.


Volusia County Property Appraiser
 Florida



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Parcel Information: 6310-16-02-0080 **2016 Preliminary Tax Roll** Last Updated: 09-11-2016

Owner Name and Address

Alternate Key	3617525	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-16-02-0080	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-16-02-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	PRO TAX FINANCIAL LLC		
Owner Name/Address 1			
Owner Address 2	360 S TECHNOLOGY CT STE 100		
Owner Address 3	LINDON UT		
Owner Zip/Postal Code	84042		
Situs Address	118 CARLTON PL PORT ORANGE 32127		

Legal Description
 W 3 FT OF S 25 FT OF LOT 7 & LOT 8 BLK B CARLTON PLACE FLEMINGS PORT ORANGE PER OR 2503 PG 0164 PER OR 7257 PG 3921

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7257 3921	05/2016	Tax Deed	Unqualified Sale	Yes	11,300
2503 0164	10/1983	Warranty Deed	Affiliated Parties	Yes	100
2115 1670	10/1979	Warranty Deed	Qualified Sale	Yes	23,500
1779 0341	05/1975	Warranty Deed	Qualified Sale	Yes	10,900

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,322	53,103	2,267	70,692	70,692	65,881	0	70,692	0	65,881
2014	11,747	47,597	2,026	61,370	61,370	59,892	0	61,370	0	59,892

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	53.0	100.0	53.00	FRONT FEET	300.00	96	100	100	100	15,322
Neighborhood 4244 INSIDE LOTS EAST OF US-1											
Total Land Classified											0
Total Land Just											15,322

Building Characteristics
 Building Number: 114571 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
114571	Single Family	176	1952	300		31%	0%	0%	2999
Roof Type	GABLE	Floors		Pine/Softwoods	Bedrooms	2	4 Fixture Bath 0		
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath 0		
Heat Type1	Convection	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath 0		
Foundation	Concrete Block	Year Remodeled			Fireplaces	0	A/C No		
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	SGL SIDING, W.FR. NO SHEAT.	1.0	1952	N	0%	0%	972 Sq. Feet	

Tax deed file number 14912-12

Parcel ID number 6310-16-02-0080

TAX DEED

Volusia County, Florida

Tax Certificate numbered 14912-12 issued on JUNE 1, 2012 was filed in the office of the tax collector of Volusia County, Florida. An application has been made for the issuance of a tax deed. The applicant has paid or redeemed all other taxes or tax certificates on the land as required by law. The notice of sale, including the cost and expenses of this sale, has been published as required by law. No person entitled to do so has appeared to redeem the land. On the 3RD day of MAY, 2016 the land was offered for sale. It was sold to PRO TAX FINANCIAL LLC address 360 S TECHNOLOGY CT STE 100 LINDON UT 84042, who was the highest bidder and has paid the sum of the bid as required by law.

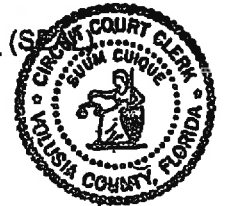
The lands described below, including any inherited property, buildings, fixtures, and improvements of any kind and description, situated in this County and State.

W 3 FT OF S 25 FT OF LOT 7 & LOT 8 BLK B CARLTON PLACE FLEMING PORT ORANGE PER OR 2503 PG 0164

On MAY 26, 2016 in Volusia County, Florida, for the sum of (\$ 11,238.38) ELEVEN THOUSAND TWO HUNDRED THIRTY EIGHT AND 38/100 Dollars, the amount paid as required by law.

Diane M. Matousek,
Clerk of the Circuit Court of Volusia County

By: Lori Diggs
LORI DIGGS, Deputy Clerk
Volusia County, Florida



Witnesses:

Bonnie Clark
BONNIE CLARK

Darlene McGowan
DARLENE MCGOWAN

State of Florida
County of Volusia

On this 26TH day of MAY, 2016 before me, AMANDA EARNEST, personally appeared LORI DIGGS, Deputy Clerk of the Circuit Court or County Comptroller in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be of their own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.



AMANDA EARNEST
MY COMMISSION # FF 186242
EXPIRES: December 29, 2018
Bonded Thru Budget Notary Services

Amanda Earnest
Amanda Earnest

Sec. 42-26. Cleanliness of property generally—Duty of owner.

- (a) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) **Purpose and intent.** The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) **Maintenance of commercial and industrial zoned lots.** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) **Maintenance of improved residential lots.** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) **Maintenance of unimproved residential lots.** The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) **Garbage, waste, trash, etc., prohibited.** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) **No property maintenance permit required; other restrictions and requirements applicable.** No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

Case Cost Sheet Log

Case No. 16-1383

Name	Activity	Activity_Date	Status	Cost
Stacy Kimberly Seely	Costs to mail Notice of Repeat Violation/Notice of Hearings to 5417 Dubois Avenue, Port Orange, FL 32127	08/23/2016	Envelope returned unclaimed	\$7.76
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law and Order	09/28/2016		\$27.00
Stacy Kimberly Seely	Costs to mail Finding of Fact, Conclusion of Law and Order to 5417 Dubois Avenue, Port Orange, FL 32127	09/28/2016	Both mailings returned unable to forward; address confirmed as correct	\$7.02
Clerk of Court	Costs to record the Order Imposing Fine/Lien	11/09/2016		\$44.00
Stacy Kimberly Seely	Costs to mail Order Imposing Fine/Lien to 5417 Dubois Avenue, Port Orange, FL 32127	11/09/2016		\$7.02
City Vendor	Abatement of violations	10/27/2016		\$125.00
Clerk of Court	Cost to record Affidavit of Compliance	11/09/2016		\$18.50

Total: 236.30



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1383

To: **Stacy Kimberly Seely**
5417 Dubois Ave.
Port Orange, FL 32127

Re: **5417 Dubois Ave.**
Port Orange, FL 32127
Parcel ID: **6310-07-20-0110**

LEGAL DESCRIPTION: **LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER
OR 5585 PG 3085**

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 22, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in violation of the following:

1. The City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots.

On August 22, 2016, I received a complaint from a neighbor stating this lot is overgrown and there are rodents coming from the property to the surrounding properties. He also stated it is a nuisance and needs to be completely mowed. This is a repeat violation of the above ordinances and shall be noted as such.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 28, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 1.76 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 28, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **November 9, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 22 day of August, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Kimberly Seely Stacy, 5717 Dubois Ave., Port Orange, FL 32127, RE: 5417 Dubois Ave., Port Orange, FL,** was

- ☐ Hand-delivered
☒ Posted at the property

Time: 3:35 pm

this 22 day of August, 2016.

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Kimberly Seely Stacy, 5717 Dubois Ave., Port Orange, FL 32127, RE: 5417 Dubois Ave., Port Orange, FL,** was

- ☒ Posted at City Hall
☒ Sent via certified and regular

this 23 day of August, 2016.

John S. Sennrich
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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 THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6310-07-20-0110 **2016 Preliminary Tax Roll** Last Updated: 08-21-2016

Owner Name and Address

Alternate Key	3609590	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-20-0110	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-20-0110	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	STACY KIMBERLY SEELY		
Owner Name/Address 1			
Owner Address 2	5417 DUBOIS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5417 DUBOIS AV PORT ORANGE 32127		

Legal Description

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5585 3085	06/2005	Quit Claim Deed	Unqualified Sale	Yes	100
5557 0613	03/1982	Death Certificate	Unqualified Sale	Yes	1
1736 0025	07/1974	Warranty Deed	Qualified Sale	No	6,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	17,490	0	0	17,490	17,490	17,490	0	17,490	0	17,490
2014	17,490	2,617	0	20,107	20,107	19,158	0	20,107	0	19,158

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0002	VAC PVD MH SITE	66.0	100.0	66.00	FRONT FEET	265.00	100	100	100	100	17,490

Neighborhood 5775 ALLANDALE/COMMONWEALTH

Total Land Classified 0
Total Land Just 17,490

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
8988	19,900	06-01-1990	10-01-1990	M/H CLS/MED		0
981835	10,437	07-13-1998		ADDITIONS/ALTERATION		0

[Display Permits](#)

Total Values

Land Value	17,490 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	17,490 Previous Just Value	17,490
School Assessed	17,490 Previous School Assessed	17,490
Non-School Assessed	17,490 Previous Non-School Assessed	17,490
Exemption Value	0 Previous Exemption Value	0

35
19.20

00/24/2005 03:04 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2005-169038 # 1
Book: 5585
Page: 3085

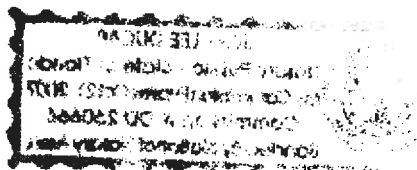
Quitclaim Deed

THIS QUITCLAIM DEED, executed this 21st day of June, 2005,
by first party, Grantor, Monna Corinne Mackay
whose post office address is 5420 Landis Avenue, Port Orange, FL 32127
to second party, Grantee, Kimberly Seely Stacy
whose post office address is 5417 DuRoi Avenue Port Orange, FL 32127

WITNESSETH, That the said first party, for good consideration and for the sum of Ten Dollars
Dollars (\$ 10.00)

paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the
said second party forever, all the right, title, interest and claim which the said first party has in and to the following described
parcel of land, and improvements and appurtenances thereto in the County of Volusia
State of Florida to wit:

Soto 11+12 B/LR 20 Allendale MB
H Pg. 146 Per ser 1736 Pg. 25



IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of:

Signature of Witness: Sean Erdman

Print name of Witness: Tara Erdman

Signature of Witness: Arlene White

Print name of Witness: Arlene White

Signature of First Party: Monna Corine Mackey

Print name of First Party: Monna Corine Mackey

Signature of Second Party: Kimberly Seely Stacy

Print name of Second Party: Kimberly Seely Stacy

Signature of Preparer Kimberly Seely Stacy

Print Name of Preparer Kimberly Seely Stacy

Address of Preparer 5417 Dubois Ave Port Orange, Fl. 32127

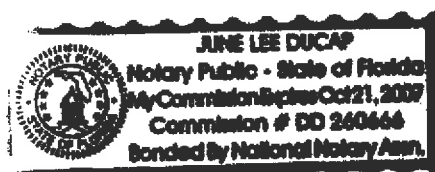
State of Florida
County of Volusia }

On 6-21-05 before me, June D. Co
appeared Kimberly Seely Stacy & Monna Corine Mackey
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

WITNESS my hand and official seal.

June Lee Ducap
Signature of Notary

Affiant Known ☒ Produced ID
Type of ID FLTD
(Seal)



Sec. 42-26. Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1228**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Kimberly Seely Stacy
5417 Dubois Avenue
Port Orange, FL 32127
6310-07-20-0110

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Kimberly Seely Stacy, whose mailing address is 5417 Dubois Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5417 Dubois Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR
5585 PG 3085

B. The condition was first observed at the real property described above on July 16, 2015; re-inspections made on September 8, 2015 and September 22, 2015 confirmed the condition as being the same. Respondent(s), Kimberly Seely Stacy, received notice by property posting on August 13, 2015. Additionally, the notice was sent via certified mail and posted at City Hall on August 17, 2015. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances, and was to be corrected by September 4, 2015.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

D. ☒ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), Kimberly Seely Stacy, by reason of the foregoing, has/have violated Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the property on or before September 30, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by September 30, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this Order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 23 day of September, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Kimberly Seely Stacy, 5417 Dubois Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of September, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 28 day of Sept, 2015.
By: [Signature]

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 15-1228

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

**Kimberly Seely Stacy
5417 Dubois Ave.
Port Orange, FL 32127
6310-07-20-0110**

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 23rd day of September, 2015, at which time Staff and the Respondent (who did not appear) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His order finding that a violation exists which was reduced to writing, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondents in violation of the Port Orange Code of Ordinances, Chapter 42 Section 42-26(d), as the same pertains to mowing and maintaining entire property according to code, and required Respondent(s) to take certain corrective action no later than September 30, 2015.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by Code Compliance Inspector Deborah Faircloth, certifying under oath that the required action has not been taken as ordered by the Board. A true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. There is no daily fine associated with this case.
2. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$ 85.86.
3. The cost of the City's vendor for abating the violation is \$125.00.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

Tax Parcel ID: 6310-07-20-0110
Street address: 5417 Dubois Ave., Port Orange, Florida.
Legal Description: LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085, of the Public Records of Volusia County, Florida; and per deed recorded in Book 5585, page 3085, Public Records of Volusia County, Florida.

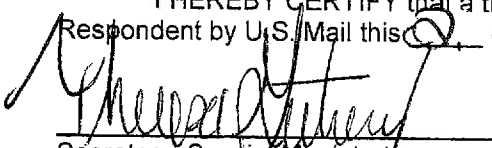
DONE AND ORDERED the 28 day of October, 2015, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 29 day of Oct, 2015.


Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed. History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.—Former s. 166.061.

Form Approved by the Board Attorney 08.08.0

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1228

Kimberly Seely Stacy
5417 Dubois Ave.
Port Orange, FL 32127
6310-07-20-0110

Respondent,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, The undersigned authority, personally appeared; Deborah Faircloth, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on September 23, 2015, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before September 30, 2015.
3. That a re-inspection was performed on October 6, 2015.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the property has not been mowed and all trash and debris removed.

FURTHER AFFIANT SAYETH NOT.

Dated this 27th day of October, 2015.

Deborah Faircloth

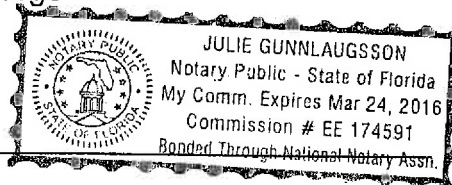
Deborah Faircloth
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me
this 27th day of October, 2015 by Deborah Faircloth, who
is personally known to me.

Julie Gunnlaugsson
Notary Public
State of Florida at Large

Commission No.



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 27th day of November, 2015.
By: Robert Klenworth

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 16-1383

Kimberly Seely Stacy
5417 Dubois Avenue
Port Orange, FL 32127
6310-07-20-0110,

Respondent.

Property Address: 5417 Dubois Avenue, Port Orange, FL
Parcel ID: 6310-07-20-0110

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

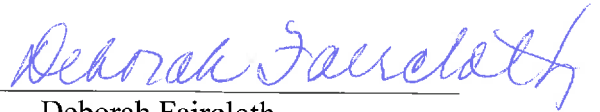
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5417 Dubois Avenue, Port Orange, Florida 32127, is owned by Kimberly Seely Stacy.
4. That 5417 Dubois Avenue, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5417 Dubois Avenue, Port Orange, Florida 32127, at 3:35 p.m. on the 22nd day of August, 2016, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

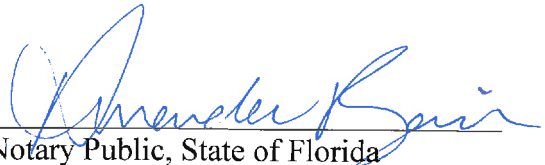
DATED this 22nd day of August, 2016.



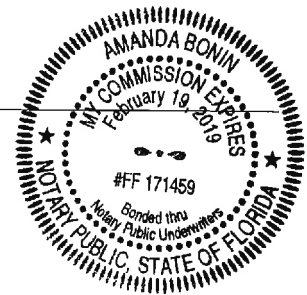
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 22nd day of August, 2016, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1383

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

STACY KIMBERLY SEELY
5417 DUBOIS AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6310-07-20-0110

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on SEPTEMBER 28, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Stacy Kimberly Seely, (hereinafter referred to as "Respondent(s)", whose mailing address is 5417 Dubois Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5417 Dubois Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR
5585 PG 3085

B. This property has a lot that is overgrown and rodents are coming from the property to the surrounding properties. This condition was first observed at the real property described above on August 22, 2016; re-inspection was made on September 27, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on August 23, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property-generally duty of owner (d) Maintenance of improved residential lots. Because this is a repeat violation no time frame was given for compliance.

C. At the time of this hearing, the violations cited above: [x] continue to exist, or [] remained noncompliant until _____ [Date].

D. [X] The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by this mowing all tall grass and overgrowth and removing all trash and debris from the property on or before October 3, 2016. ("Compliance Date"). In the event that the property is not brought into compliance on or before October 3, 2016, and/or not maintained in a state of compliance, the City vendor will abate the violation and lien the property for costs. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$42.52 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 28th day of September, 2016.

Attest: Kelly McQuillen
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

Deborah Faircloth
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Stacy Kimberly Seely, 5417 Dubois Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 28th day of September, 2016.

Kelly McQuillen
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law

This 28th day of September, 2016.

By: Kelly McQuillen

Case Cost Sheet Log

Case No. 16-1247

Name	Activity	Activity_Date	Status	Cost
James E. Redmond	Costs to mail Notice of Repeat Violation/Notice of Hearings to 5400 Turton Lane, Port Orange, FL 32127	08/29/2016	Nothing has been returned as of 9/23/16	\$8.18
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law, and Order	09/28/2016		\$27.00
James E. Redmond	Costs to mail Finding of Fact, Conclusion of Law, & Order to 5400 Turton Lane, Port Orange, FL 32127	09/28/2016		\$7.09
Clerk of Court	Costs to record Order Imposing Fine/Lien	11/09/2016		\$44.00
James E. Redmond	Costs to mail Order Imposing Fine/Lien to 5400 Turton Lane, Port Orange, FL 32127	11/09/2016		\$7.09
City Vendor	abatement			\$250.00

Total: 343.36



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. **16-1247**

To: **James E. Redmond**
5400 Turton Lane
Port Orange, FL 32127

Re: **5400 Turton Lane**
Port Orange, FL 32127
Parcel ID: **6314-01-07-0080**

LEGAL DESCRIPTION: **14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496
PG 1933**

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 28, 2016, indicates that certain **repeat** violation(s) of the City of Port Orange Code exists.

Briefly stated, the property is in violation of the following:

1. City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of Property Generally-Duty of Owner) (d), (f)
 - An inspection of the property on July 28, 2016 and subsequent days including August 24, 2016, shows the property as being overgrown, particularly the back and side yards, including vines extending up and over the pool enclosure and side of house. Additionally, vines (undergrowth) cover the stockade fence. Trash and debris is located in the side yard.
2. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance)
 - The stockade fence is falling down or missing in some areas. This fence needs to be repaired or replaced and maintained in its original, upright condition. This fence may be used for a safety barrier for the pool as required by the International Property Maintenance Code listed below.
3. Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) & 303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II.
 - The swimming pool shall be maintained in a clean and sanitary condition and in good repair and a safety barrier consisting of at least a 48" fence with self-closing and latching gates as described in the attached ordinance is required.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance. A repeat violation does not offer a time frame to bring property into compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 28, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 8.18 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 28, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **November 9, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 26th day of August, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127, RE: 5400 Turton Lane, Port Orange, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

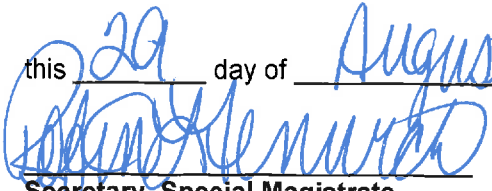
Time: 3:45 pm

this 26th day of August, 2016.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to, RE: **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, RE: **5400 Turton Lane, Port Orange, FL 32127**, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 29 day of August, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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 THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6314-01-07-0080 **2016 Preliminary Tax Roll** Last Updated: 08-21-2016

Owner Name and Address

Alternate Key	3629159	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6314-01-07-0080	Mill Group	402 Port Orange
Full Parcel ID	14-16-33-01-07-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	REDMOND JAMES E		
Owner Name/Address 1			
Owner Address 2	5400 TURTON LANE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5400 TURTON LN PORT ORANGE 32127		

Legal Description

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4496	1933	11/1999	Warranty Deed	Qualified Sale	Yes	68,500
4433	4840	05/1999	Warranty Deed	Institutional / bank	Yes	45,000
4378	3711	12/1998	Certificate of Title	Institutional / bank	Yes	100
3151	1080	06/1988	Warranty Deed	Qualified Sale	Yes	62,000
2262	1484	04/1981	Warranty Deed	Qualified Sale	Yes	42,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	19,813	54,679	11,013	85,505	77,058	77,058	25,000	52,058	25,000	27,058
2014	19,813	53,751	7,377	80,941	76,446	76,446	25,000	51,446	25,000	26,446

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	75.0	140.0	75.00	FRONT FEET	245.00	108	100	100	100	19,813
Neighborhood 5771 HARBOUR TOWN VILLAGE											
Total Land Classified											0
Total Land Just											19,813

Building Characteristics

Building Number: 115414 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
115414	Single Family	150	1979	300		23%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	2	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	C B STUCCO	1.0	1979	N	0%	0%	1212 Sq. Feet	
003	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1985	N	0%	0%	168 Sq. Feet	

11/19/1999 09:34
Doc stamps 479.50
(Transfer Amt \$ 68500)
Instrument # 1999-228314
Book: 4496
Page: 1933
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6314-01-07-0080
Grantee #1 TIN: [REDACTED]

Warranty Deed

This Indenture, Made this 16th day of November, 1999 A.D., Between Judith L. Raske, a single woman, and William J. Pearson, a single man,

of the County of Volusia, State of Florida, grantors, and James E. Redmond,

whose address is: 5400 Turton Lane, Port Orange, Florida, 32127

of the County of Volusia, State of Florida, grantee.

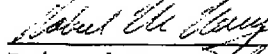
Witnesseth that the GRANTORS, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of Volusia State of Florida to wit:

The southerly 15 feet of Lot 7, all of Lot 8, and the ^{NORTHERLY} ~~North~~ 10 feet of Lot 9, Block 7, Harbor Point Subdivision, as per map or plat thereof as recorded in Map Book 11, page 91, Public Records of Volusia County, Florida.

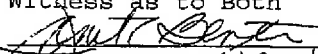
Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1999.

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

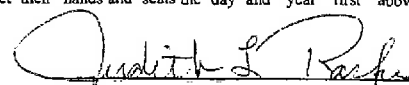
In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.
Signed, sealed and delivered in our presence:


Printed Name: Robert K. T. Corey

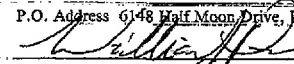
Witness as to Both


Printed Name: Janet C. Benton

Witness as to Both

 (Seal)
Judith L. Raske

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

 (Seal)
William J. Pearson

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 16th day of November, 1999 by Judith L. Raske, a single woman, and William J. Pearson, a single man,

who are personally known to me or who have produced their Florida driver's licenses as identification.

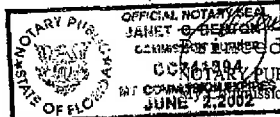
This Document Prepared By:

ROBERT KIT KOREY, ESQ.

JANET C. BENTON, REAL ESTATE ASSIST.

SUITE A 595 WEST GRANADA BLVD.

ORMOND BEACH, FL 32174



Name: [Signature]

COMMISSION EXPIRES: JUNE 2, 2002

RASKE/REDMOND

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-112**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

V.

James E Redmond
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on February 26, 2014, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent, James E Redmond, whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is the owner of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

B. The entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover. This condition was first observed at the real property described above on January 13, 2014; re-inspections made on February 7, 2014 confirmed the condition as being the same. The most recent inspection was on February 18, 2014 resulting in non-compliance. Respondent, James E Redmond, received notice via certified mail, posted on the property and City Hall on January 23, 2014, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4

(a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and was to be corrected by February 7, 2014.

C. At the time of the hearing on February 26, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondent, James E Redmond, by reason of the foregoing, has violated the Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the entire property in need to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent shall correct the aforesaid violation by mowing and weed eating the entire property, repairing the fence to its original and upright condition, removing the inoperable car in the front yard or must be properly parked, registered and licensed/covered with an approved car cover. The pool needs to be maintained in a clean and sanitary condition, the pool enclosure must be maintained in its original condition and any garbage, trash, debris, and outside storage needs to be removed from the property on or before March 10, 2014. In the event that the property is not brought into compliance on or before March 10, 2014, a fine of \$100 per day will be assessed for each day the property is in violation beyond March 10, 2014. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$39.88 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207.

DONE AND ORDERED this 26 day of February, 2014.

Attest: Theresa Dutierrez
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

Instrument# 2014-041031 # 3
Book : 6966
Page : 17
Diane M. Matusek
Volusia County, Clerk of Court

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent James E Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 6 day of March, 2014.

Theresa Dutierrez
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
By: [Signature] 15 day of March, 2014.

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 14-112

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 26th day of February, 2014, at which time Staff and the Respondent, James E Redmond, had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His order finding that a violation exists which was reduced to writing, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondents in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) & (f)

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.)

Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36. Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3)

Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, as the same pertains to the entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., needs to be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, and required Respondent(s) to take certain corrective action no later than March 10, 2014.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by Code Compliance Inspector Amanda Bonin, certifying under oath that the required action has not been taken as ordered by the Board. A true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$100 per day beginning on the 11th day of March, 2014, is hereby imposed upon the Respondent, James E Redmond., which fine shall continue to accrue thereafter for each and every day the violation exists, shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$ 162.30.
3. The Respondent shall notify Code Compliance Inspector Amanda Bonin, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

Tax Parcel ID: 6314-01-07-0080
Street address: 5400 Turton Lane, Port Orange, Florida.
Legal Description: Volusia County Public Records 14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933, of the Public Records of Volusia County, Florida; and per deed recorded in Book 4496, page 1933, Public Records of Volusia County, Florida.

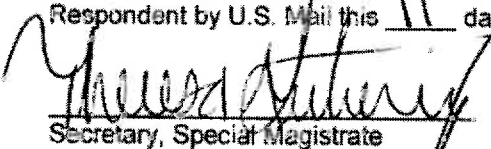
DONE AND ORDERED the 11th day of March, 2015, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 11 day of March 2015.


Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed. History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.—Former s. 166.061.

Form Approved by the Board Attorney 08 08.0

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 14-112

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, The undersigned authority, personally appeared; Amanda Bonin, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on February 26, 2014, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondent was to have taken certain corrective action on or before March 10, 2014.
3. That a re-inspection was performed on April 9, 2014.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., needs be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover.

FURTHER AFFIANT SAYETH NOT.

Dated this 5th day of February 2015.

Amanda Bonin
Amanda Bonin
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

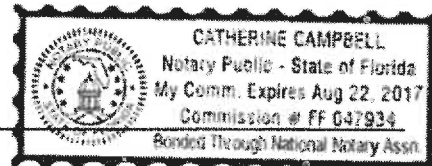
The foregoing instrument was acknowledged before me

This 5 day of January 2015 by
Amanda Bonin who

is personally known to me.

Catherine Campbell
Notary Public
State of Florida at Large

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO: CEB 14-112

CITY OF PORT ORANGE,

Petitioner,

vs.

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080,

Respondent.

Space Reserved for Recording

AFFIDAVIT OF COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared
Deborah Faircloth, Code Compliance Inspector for the City of Port Orange,
Florida, who, after being duly sworn, deposes and says:

1. That on February 26, 2014, the Special Magistrate held a public hearing and issued His Findings of Fact, Conclusions of Law and Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action on or before March 10, 2014.
3. That at the request of the Respondent, a reinspection was performed by the undersigned on April 24, 2014.
4. That the reinspection revealed that the corrective action ordered by the Special Magistrate has been taken.
5. Therefore, daily fines shall not accrue beyond April 24, 2014. However, ANY FINES THAT ACCRUED UP THROUGH AND INCLUDING MARCH 11, 2014, THROUGH APRIL 23, 2014, ARE STILL IN FULL FORCE AND EFFECT.

FURTHER AFFIANT SAYETH NOT.

DATED this 5th day of February, 2015.

Amanda Bonin
Amanda Bonin

STATE OF FLORIDA
COUNTY OF VOLUSIA

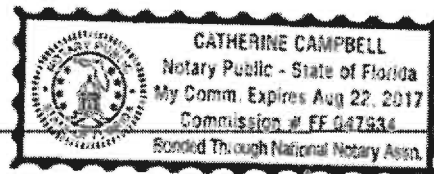
Before me, the undersigned authority, personally appeared Amanda Bonin, the Code Compliance Inspector identified in the foregoing Affidavit of Compliance; who acknowledged before me that she executed the foregoing instrument for the purposes expressed therein.

Sworn to and subscribed before me this 5 day of January, 2015.

Notary to check one:

☒ personally known to me or
☐ has produced _____ as identification.

Catherine Campbell
Notary Public, State of Florida at Large
Printed Name, Stamped Commission Seal and Term Expiration Date



CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Sec. 42-26. Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

- (b) Barbed wire shall be prohibited for commercial and industrial uses, except when installed at [an] eight-foot height or greater.

(2) *Height.*

- (a) For residential uses, no permanent fence or wall shall exceed six feet in height in rear or side yards.
- (b) For residential uses, no permanent fence or wall shall exceed four feet in height in required front or side yards abutting rights-of-way.
- (c) For commercial and industrial uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than two feet to any right-of-way line, except as described in [subsection (b)](5) below.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with section 6 of this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- (b) Fences required or installed to provide rear lot screening of residential uses shall be exempt from right-of-way setback requirements. However, such fences shall comply with requirements to provide visibility clearance at intersections as described in section 6 of this chapter.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94)

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1247

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JAMES E. REDMOND
5400 TURTON LANE
PORT ORANGE, FL 32127
PARCEL ID: 6314-01-07-0080

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on SEPTEMBER 28, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), James E. Redmond, (hereinafter referred to as "Respondent(s)", whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is/are the owner(s) of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933

B. This property is overgrown, particularly the back and side yards. This condition was first observed at the real property described above on July 28, 2016; re-inspections were made on August 24, 2016 and September 27, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on August 26, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of Property Generally-Duty of Owner (d), (f). Because this is a repeat violation no time frame was given for compliance.

C. At the time of this hearing, the violations cited above: [x] continue to exist, or [] remained noncompliant until _____ [Date].

D. [X] The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and trimming all weeds, grasses and overgrowth to a height that does not exceed ten inches and must remove all trash and debris from the lot on or before October 5, 2016. ("Compliance Date"). In the event that the property is not brought into compliance on or before October 5, 2016, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.18 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 28th day of September, 2016.

Attest: Kelly McQuillen
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

Deborah Faircloth
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 28th day of September, 2016.

Kelly McQuillen
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 28th day of September, 2016.
By: Kelly McQuillen