



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, December 14, 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 – November 9, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1597
Respondent: Judith A. Anderson
Address of Violation: 101 Aloha Terrace, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 10/28/2016

Compliance: No

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

4. **CEB Case No.:** 16-1596
Respondent: Florida Community Bank NA
Address of Violation: 190 Sand Pebble Circle, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 10/19/2016

Compliance: No

Cited for violation(s) - 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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 16-1695

Respondent: Country Manor Assisted Living

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/21/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3, Fences and walls (b) General provisions (4) Design and maintenance, (b) (c) and (f) of the City of Port Orange Land Development Code.

6. **CEB Case No.:** 16-1140

Respondent: Country Manor Assisted Living

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/20/2016

Compliance: No

Cited for violation(s) - Section 42-26 Cleanliness of property generally-Duty of owner (c) maintenance of commercial and industrial zoned lots and (f) Garbage, waste, trash, etc. prohibited.

7. **CEB Case No.:** 16-1832

Respondent: Scott T. Gilroy

Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/11/2016

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances Article 2 Garbage, Junk and Undergrowth, Section 42-26 - Cleanliness of property generally-Duty of owner, (d) Maintenance of improved residential lots.

8. **CEB Case No.:** 16-1833

Respondent: Scott T. Gilroy

Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/11/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3: Fences and walls Modified (b) General Provisions (4) Design and maintenance (a) and (b) of the City of Port

Orange Land Development Code and

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, specially 303.1 Swimming Pools.

9. **CEB Case No.:** 16-1403

Respondent: Linda Kennedy, Maureen Kennedy, and John Kennedy

Address of Violation: 5204 Sydney Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 10/25/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk & undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner) (d) Maintenance of improved residential lots & (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances

10. **CEB Case No.:** 16-889

Respondent: Sara R. Bonner

Address of Violation: 52 Woodfield Drive, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 10/25/2016

Compliance: Yes

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.

11. **CEB Case No.:** 16-1054

Respondent: Bryon Dickerson

Address of Violation: 5434 Hibiscus Ave., Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 10/14/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h) and Port Orange Land Development Code, Chapter 16, Section 3 (b)(4)(b)(d) as relates to fencing.

12. **CEB Case No.:** 16-1638

Respondent: George Morgan & Ethel M. Morgan

Address of Violation: 709 Sheldon Circle, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 11/10/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 32, Article II, Section 32-26(d)(f);

Chapter 3, Section 304.1.1 (7 & 8) (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code;

Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs and drainage, 304.10 Stairways, decks, porches, and balconies, 304.15 Doors, 304.18 Building Security; and

Chapter 42, Article V, Division 3, Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.

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

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.

C. ORDER IMPOSING FINE/LIEN

14. **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))

15. **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.

16. **CEB Case No.:** 16-1498

Respondent: Jaqueline M. & Donald A. Acosta

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

Code Officer: Scott Allman

First Notified: 09/10/2016

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

17. **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: Yes

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.

18. **CEB Case No.:** 15-1481

Respondent: Judith Anderson

Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 04/27/2016

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises, (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

D. 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
NOVEMBER 9, 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
Deborah Faircloth, Code Compliance Inspector
Chris Hutchison, Code Enforcement Manager
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the October 26, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman and Deborah Faircloth were sworn in by Special Magistrate Branch.

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.

Scott Allman, Code Compliance Inspector, requested the case be dismissed as it is in compliance with the Notice. Special Magistrate Branch granted the request.

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

Mr. Allman was sworn in by Special Magistrate Branch and requested the case be dismissed as it is in compliance with the Notice. Special Magistrate Branch granted the request.

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.

Mr. Allman testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected immediately as this is a repeat violation by mowing the entire property and trimming all high weeds, as well as maintaining the property. Photographs of the violations taken by Mr. Allman were tendered into evidence and were submitted into evidence by Special Magistrate Branch.

Deborah Faircloth, Code Compliance Inspector, was sworn in and testified as to her personal contact with an occupant of the property. The occupant was the daughter of the property owner and was living there with her brother awaiting a foreclosure action, which was not filed at that time.

Mr. Allman recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before Friday, November 18, 2016, or the City shall have the option to abate the violation. The Cost Sheet in the amount of \$56.36 was tendered into evidence and submitted by Special Magistrate Branch with no objections.

Chris Hutchison, Code Enforcement Manager, was sworn in and testified as to his attempts to make personal contact with the occupants but was unsuccessful. He knocked on the door and no one answered.

Special Magistrate Branch granted the recommendations of 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 18, 2016. There was no fine imposed.

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))

Debbie Faircloth testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before October 14, 2016 by mowing the entire property and trimming all high weeds and cutting back trees affecting the right-of-way, as well as maintaining the property and removing all trash and debris. Photographs of the violations taken by Ms. Faircloth were tendered into evidence and were submitted into evidence by Special Magistrate Branch with no objections.

Ms. Faircloth recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before November 16, 2016 or a fine of \$100.00 per day be imposed. The City shall have the option to abate the violation. The Cost Sheet in the amount of \$41.68 was tendered into evidence and submitted by Special Magistrate Branch with no objections. She asked for the property to be ruled a health, safety, and welfare violation due to the height of the grass and the trash and debris on the property.

Special Magistrate Branch granted the recommendations of Ms. Faircloth 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 16, 2016.

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.

Ms. Faircloth testified as to the current condition of the property, which remains in non-compliance. She recommended an Order Setting Fine/Lien be entered against the property owners in the amount of \$125.00 to abate the violation with costs in the amount of \$111.50, as noted on the Cost Sheet tendered into evidence.

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, as well as the Affidavit of Compliance as the abatement has been completed by the City's vendor. Costs in the amount of \$111.50 were awarded to the City, as well as \$125.00 to abate the violation for a total due of \$236.30. The Affidavit of Non-Compliance was admitted into evidence subject to additional information being added regarding the date the compliance was supposed to take place.

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).

Ms. Faircloth testified as to the notices provided and the current condition of the property. It remains in non-compliance. She recommended an Order Setting Fine/Lien be entered against the property owners in the amount of \$250.00 per day beginning October 4, 2016 and continuing through October 25, 2016 with costs in the amount of \$93.36, as noted on the Cost Sheet tendered into evidence plus \$250.00 to abate the violation.

Special Magistrate Branch granted the recommendations as presented with the fine to begin on October 6, 2016 through October 25, 2016 and admitted the cost sheet into evidence. The Affidavit of Non-Compliance was also admitted into evidence. Costs in the amount of \$93.36 were awarded to the City with a \$250.00 per day fine from October 6, 2016 through October 25, 2016.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:18 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-1597

Name	Activity	Activity_Date	Status	Cost
Judith A. Anderson	Cost to mail the Notice of Violation/Notice of Hearings to 101 Aloha Terrace (via regular & certified mail)	11/01/2016	Regular & Certified mailings were returned unable to forward	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	12/14/2016		\$27.00
Judith A. Anderson	Cost to mail the Finding of Fact, Conclusion of Law & Order to 101 Aloha Terrace (via regular & certified mail)	12/14/2016		\$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. 16-1597

To: Judith A. Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Re: 101 Aloha Terrace
Port Orange, FL 32129
Parcel ID: 6305-03-00-0990

LEGAL DESCRIPTION: LOT 99 BAREFOOT PARK MB 31 PG 62 PER OR 3956 PG 1537 PER UNREC D/C
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 26, 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 5 days to correct. A re-inspection was done on October 17, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 13, 2016 by mowing entire property and cleaning up any fallen limbs and trees.

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

1. 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: 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.
 - Received hotline call re: issues in the park, particularly yards not being mowed. While in the area, I noticed that the property at this location is severely overgrown. Home is vacant and there is a sticker on the door from the bank preservation company 866-940-5787. Left a 5 day door hanger asking for the property to be cleaned up and mowed. I made contact with Adrea with Citi Mortgage at the number on the sticker and there was no record of that property address or owner name in their records. Property owner is deceased.

Due to the nature of the violation and the extreme height of the grass, this is to be considered a health and safety violation due to the harboring of insects, snakes and rodents.
2. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances: 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.
 - A 5 day door hanger was left at the above location asking the owner to clean up the property of all trash and debris to include the lattice that was blown down by the storm and is now laying on the ground or any aluminum that might have come down. Owner is to remove any garbage, waste, trash, debris and junk to bring property into compliance. In addition, there is an abundance of fallen limbs on the ground which will also need to be removed.

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 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 **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 **December 14, 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 January 27, 2017, 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) 506-5645.

DATED this 28th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph

Dena Joseph, Code Compliance Inspector



Volusia County
Property Appraiser

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



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6305-03-00-0990 **2017 Working Tax Roll** Last Updated: 10-16-2016

Owner Name and Address

Alternate Key	3584970	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-0990	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-0990	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate	Ownership Percent	100
Owner Name	ANDERSON JUDITH A		
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	101 ALOHA TER PORT ORANGE 32129		

Legal Description
LOT 99 BAREFOOT PARK MB 31 PG 62 PER OR 3956 PG 1537 PER UNREC D/C

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3956	1537	10/1994	Warranty Deed	Unqualified Sale	Yes	18,000
2694	1953	06/1985	Warranty Deed	Qualified Sale	Yes	15,000
2144	0979	02/1980	Warranty Deed	Qualified Sale	No	10,500
1785	0812	06/1975	Warranty Deed	Qualified Sale	No	9,000

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
2016	19,750	19,164	0	38,914	38,914	38,914	0	38,914	0	38,914
2015	19,750	20,195	0	39,945	28,883	28,883	25,000	3,883	0	3,883

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											0
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111515 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111515	Mobile Home	148	1981	200	Mobile Home	63%	0%	0%	2999
Roof Type	FLAT	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	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	Wd Conc Piers	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	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1981	N	0%	0%	840 Sq. Feet
002	Carport, Unfinished (UCP)	Non-Applicable	1.0	1981	N	0%	0%	580 Sq. Feet
003	Unfinished Utility (UST)	Non-Applicable	1.0	1981	N	0%	0%	80 Sq. Feet
004	Cabana, Enclosed Unfinished (UCB)	Non-Applicable	1.0	1981	N	0%	0%	210 Sq. Feet

10/11/1994 08:22
Doc stamps 126.00
Instrument # 94152974
Book: 3956
Page: 1537
Diane M. Matousek
Volusia County, Clerk of Court

This instrument was prepared by and return to:

R. MICHAEL KENNEDY, Esq.
587 Beville Road, Suite A
South Daytona, Florida 32119

This document prepared without
reference to or examination of
abstracts or other evidence of title.

Grantee No. 1 S.S. [REDACTED]
Grantee No. 2 S.S. [REDACTED]

Parcel I.D. No. 6305-03-00-0990

(Space above this line for recording data.)

WARRANTY DEED (STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture, made this 6th day of October, 1994,
Between

GLADYS L. BROWNE, a single woman

whose post office address is 101 Aloha Terrace, Port Orange, Florida 32119
of the County of Volusia, State of Florida, grantor*, and

GLADYS L. BROWNE and JUDITH A. ANDERSON, as joint tenants with right of survivorship

whose post office address is 101 Aloha Terrace, Port Orange, Florida 32119
of the County of Volusia, State of Florida, grantee*,

Witnesseth that said grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and
other good and valuable considerations to said grantor in hand paid by the grantee, the receipt whereof is
hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns
forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot 99, BAREFOOT PARK MOBILE HOME SUBDIVISION, as per map in Map Book 31, Page 62, of the Public
Records of Volusia County, Florida, together with the 1981 Skyline Mobile Home, Identification Number
0161789P, Title Number 19193447, RP Sticker Number R-174985.

SUBJECT TO taxes for 1994 and subsequent years. **SUBJECT TO** easements, conditions, restrictions and
reservations of record, if any, the mention of which herein shall not operate to reimpose same.

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

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above
written.

Signed, sealed and delivered in our presence:

Beverly M. Taylor
First Witness Signature
Beverly M. Taylor
Printed Name of First Witness
Susan Benitez
Second Witness Signature
SUSAN BENITEZ
Printed Name of Second Witness

Gladys L. Browne (Seal)
GLADYS L. BROWNE

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 6th day of October, 1994, by **GLADYS L. BROWNE**, a single woman, who _____ is personally known to me or ☒ has produced a Florida driver's license as identification. New Jersey

Notary Public
Title or Rank

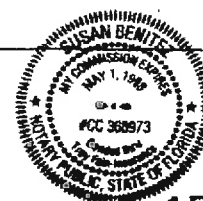
Susan Benitez
Notary Signature

Susan Benitez

Notary Name Printed

Commission Number

My Commission Expires:



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 preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Case Cost Sheet Log

Case No. 16-1596

Name	Activity	Activity_Date	Status	Cost
Florida Community Bank NA	Cost to mail Notice of Violation/Notice of Hearings to 2500 Weston Road, Suite 300, Weston, FL 33331 (via regular & certified mail)	10/21/2016	Certified mail returned unable to forward; regular mail was not returned	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Florida Community Bank NA	Cost to mail Finding of Fact, Conclusion of Law & Order to 2500 Weston Road, Suite 300, Weston, FL 33331 (via regular & certified mail)	12/14/2016		\$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. 16-1596

To: Florida Community Bank NA
Property Owner
2500 Weston Road
Suite 300
Weston, FL 33331

Re: 190 Sand Pebble Circle
Port Orange, FL 32129
Parcel ID: 6305-03-00-0470
LEGAL DESCRIPTION: LOT 47 BAREFOOT PARK MB 31 PG 62 PER OR 5261 PG 3564
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 26, 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 5 days to correct. A re-inspection was done on **October 17, 2016**, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 29, 2016 by mowing entire property to include weed eating, edging, etc. and removing any fallen trees and limbs. In addition, any broken windows on site must either be secured or repaired.

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

1. 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: 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.
2. Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
 - Received call on hotline about the condition of the park pertaining to people not mowing the lawns. This specific address was not given but I saw that it was severely overgrown when I drove the park. In addition, I noticed that there was a minimum of one broken window on the property. Left 5 day door hanger to mow and maintain entire property and either repair or secure any broken windows.

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 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 **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 December 14, 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 January 25, 2017, 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) 506-5645.

DATED this 19th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Florida Community Bank NA, Property Owner, 2500 Weston Road, Suite 300, Weston, FL 33331, RE: 190 Sand Pebble Circle, Port Orange, FL 32129**, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 19th day of October, 2016.

Time: approx. 2:08 pm



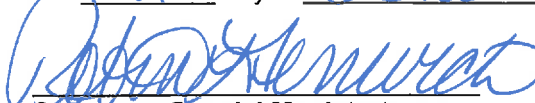
Dena Joseph, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Florida Community Bank NA, Property Owner, 2500 Weston Road, Suite 300, Weston, FL 33331, RE: 190 Sand Pebble Circle, Port Orange, FL 32129**, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 21 day of October, 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: 6305-03-00-0470 **2017 Working Tax Roll** Last Updated: 10-16-2016

Owner Name and Address

Alternate Key	3584457	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-0470	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-0470	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate	Ownership Percent	100
Owner Name	MARKEY JAMES E		
Owner Name/Address 1			
Owner Address 2	635 POWERS AVE		
Owner Address 3	PORT ORANGE, FL		
Owner Zip/Postal Code	32129		
Situs Address	190 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description
LOT 47 BAREFOOT PARK MB 31 PG 62 PER OR 5261 PG 3564

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5261	3564	02/2004	Warranty Deed	Qualified Sale	Yes	55,000
4320	3041	06/1998	Warranty Deed	Qualified Sale	Yes	30,000
4276	0618	11/1996	Quit Claim Deed	Unqualified Sale	Yes	10
3964	1662	11/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3945	2449	08/1994	Warranty Deed	Affiliated Parties	Yes	100
3917	0298	04/1994	Warranty Deed	Qualified Sale	Yes	43,000
3690	0165	09/1991	Unknown	Qualified Sale	Yes	40,000
2896	0111	11/1986	Unknown	Qualified Sale	Yes	32,600
2829	1275	05/1986	Unknown	Qualified Sale	Yes	32,500

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
2016	19,750	13,980	154	33,884	33,884	33,884	0	33,884	0	33,884
2015	19,750	14,725	154	34,629	34,629	33,686	0	34,629	0	33,686

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	61.0	122.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111464 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111464	Mobile Home	146	1972	200	Mobile Home	72%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	3	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Gas	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Wd Conc Piers	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	

In The Circuit Court, Seventh Judicial Circuit
In And For Volusia County, Florida

FLORIDA COMMUNITY BANK N A
Plaintiff(s)

VS.

JAMES E MARKEY; ET AL
Defendant(s)

Case No. 2016 30190 CICI
Div.

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that a Certificate of Sale has been filed in this action and on the 20th day of September, 2016 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Volusia County, Florida:

**LOT 47, BAREFOOT PARK MOBILE HOME SUBDIVISION,
ACCORDING TO PLAT THEREOF AS RECORDED IN MAP BOOK 31,
PAGE 62, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,
FLORIDA.**

**TOGETHER WITH THAT CERTAIN SINGLE MOBILE HOME BEARING
IDENTIFICATION NUMBER: S122830**

was sold to and the Certificate of Title is hereby issued to:

FLORIDA COMMUNITY BANK NA

whose address is: 2500 Weston Road Ste 300 Weston, FL, 33331

Witness my hand and seal on 20th day of September, 2016 in Volusia County, Florida.



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

By:

Shawnee Smith
Deputy Clerk /s/ Shawnee Smith

Sale Amt. \$100.00 D/S \$0.70 Parcel ID # 05-16-33-03-00-0470

FILED
SEP 20 2016
CLERK OF THE CIRCUIT
& CTY. COURT VOLUSIA CTY., FL.
cc: 64

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)

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

Case Cost Sheet Log

Case No. 16-1695

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living	Cost to mail Notice of Violation/Notice of Hearings to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	10/21/2016	Green card signed on 10/25/16	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Country Manor Assisted Living	Cost to mail Finding of Fact, Conclusion of Law, & Order to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	12/14/2016		\$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. 16-1695

To: Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

Re: 1152 Old Hammock Road
Port Orange, FL 32129

Parcel ID: 6305-04-00-0021

LEGAL DESCRIPTION: W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Volusia County Public Records

Volusia County, FL

An inspection of the premises on October 18, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 10, 2016.

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

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls (b) (4) (b) (c) and (f)

(b) General provisions.

(4) Design and maintenance.

(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.

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Corrective action: The fence separating this property from the residential neighborhood needs to be replaced as it is rotting and the fence is falling apart. A building permit is required.

Chapter 1, Section 109 Emergency Measures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

[A] **Section 109.1 Imminent Danger** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Corrective action: The Screened enclosure in the rear of the building has been damaged and is deemed an unsafe structure. This enclosure needs to be either removed or repaired. A building permit is required.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Corrective action: all broken windows on this structure need to be repaired or replaced.

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 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 **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 \$ 10,588 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 **December 14, 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 **January 25, 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- 5616 or at abonin@port-orange.org.

DATED this 20th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 1152 Old Hammock Road Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 3:47pm

this 20th day of October, 2016.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 3101 Archer Avenue Orlando, FL 32833, RE: 1152 Old Hammock Road Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 21 day of October, 2016.

Robert J. Senura
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 D. Gilreath Jr.
M.A., C.F.A.



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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6305-04-00-0021 2017 Working Tax Roll Last Updated: 10-16-2016

Owner Name and Address

Alternate Key	3585747	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		Ownership Percent	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

Legal Description

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6289	3245	10/2008	Warranty Deed	Qualified Sale	Yes	800,000
3835	2693	06/1993	Warranty Deed	Qualified Sale	Yes	500,000
2893	1087	10/1986	Warranty Deed	Personal property /business	Yes	860,000
2168	0868	05/1980	Warranty Deed	Qualified Sale	Yes	135,000

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
2016	382,239	122,982	5,537	510,758	510,758	510,758	0	510,758	0	510,758
2015	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.50	100	65	100	100	382,239
Neighborhood C5502 PORT ORANGE- NOVA ROAD											
Total Land Classified											0
Total Land Just											382,239

Building Characteristics

Building Number: 111590 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111590	Commercial	Concrete or Masonry	1432	1976	300	42%	70%	0%	2999
Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	9.00	2	1976	0.00	1250 Home for the Aged, Average (74C)		100.00	No	Yes
002	9.00	1	1976	0.00	132 Porch, Open Unfinished (UOP)		0.00	No	No
003	9.00	1	1984	0.00	133 Porch, Open Finished (FOP)		0.00	No	No
004	9.00	1	1976	0.00	8498 Home for the Aged, Average (74C)		100.00	No	No
005	9.00	1	1976	0.00	626 Porch, Screen Unfinished (USP)		0.00	No	No
006	9.00	1	1976	0.00	28 Porch, Open Finished (FOP)		0.00	No	No

10/27/2008 08:49 AM
Doc stamps 5600.00
(Transfer Amt \$ 800000)
Instrument# 2008-210417 # 1
Book : 6289
Page : 3245
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared By:

John B. Crowther
Attorney at Law
279 East Graves Avenue
Orange City, Florida 32763
(888) 775-6179

County Appraiser's Parcel Identification Number:
35-04-00-0021

RETURN TO 1813053
VOLUSIA TITLE SERVICES
109 WEST RICH AVENUE
DELAND, FL 32730

THIS SPECIAL WARRANTY DEED, executed this 23RD day of October, 2008, by EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation, 202 Plumosa Road, DelBary, Florida 32713, Grantor, to COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME, LLC, a Florida Limited Liability Company, whose post office address is 3101 Archer Avenue, Orlando, Florida 32833, Grantee:

WITNESSETH, that the said Grantor, for and in consideration of the sum of \$10.00, in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee forever, all right, title, interest, claim and demand which the said Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The West Three (3) acres of Tract 2 of the replat of the Division of a portion of the Division of Lot 5, Section 5, Township 16 South, Range 33 East, CITY OF PORT ORANGE, Volusia County, Florida, as recorded in Plat Book 34, Pages 13 and 14, Public Records of Volusia County, said West Three (3) acres have also been described as the West Three (3) acres of Lot 2, VOSS SUBDIVISION, as recorded in Deed Book "L", Page 18, Public Records of Volusia County, said property being more particularly described as follows: Begin at the Southwest corner of Government Lot 5, thence North 00°13'35" West a distance of 280.50 feet to the Southwest corner of said Tract 2 and the true Point of Beginning; thence North 00°13'57" West a distance of 589.75 feet; thence North 89°07'09" East a distance of 221.59 feet; thence South 00°13'57" East a distance of 269.75 feet to the Northerly line of a 32 foot utility, ingress and egress easement; thence South 00°13'57" East along the West line of said easement a distance of 32 feet; thence South 00°13'57" East a distance of 290.56 feet; thence South 89°46'53" West a distance of 221.58 feet to the true Point of Beginning.

Subject to the same conditions, reservations and restrictions of record, if any, which previously affected this property and which are in affect at this date, and also subject to zoning and other governmental regulations.

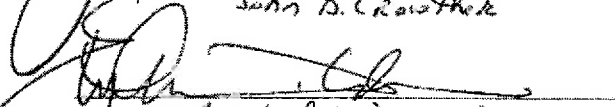
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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

AND the Grantor hereby covenants with said Grantee that, except as above noted, at the time of the delivery of this deed the premises were free from all encumbrances made by the Grantor, except taxes accruing subsequent to December 31, 2007, and the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


John B. Crowther

Elizabeth A. Walden
STATE OF FLORIDA
COUNTY OF VOLUSIA

EDA INVESTMENT CORPORATION, a/k/a EDA
INVESTMENT CORPORATION, INC.

By: 
Eleanor B. Ade, as Vice President

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take

Section 3: - Fences and walls.

- (a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) General provisions.
 - (1) Restrictions.
 - (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
 - (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
 - (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal

of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

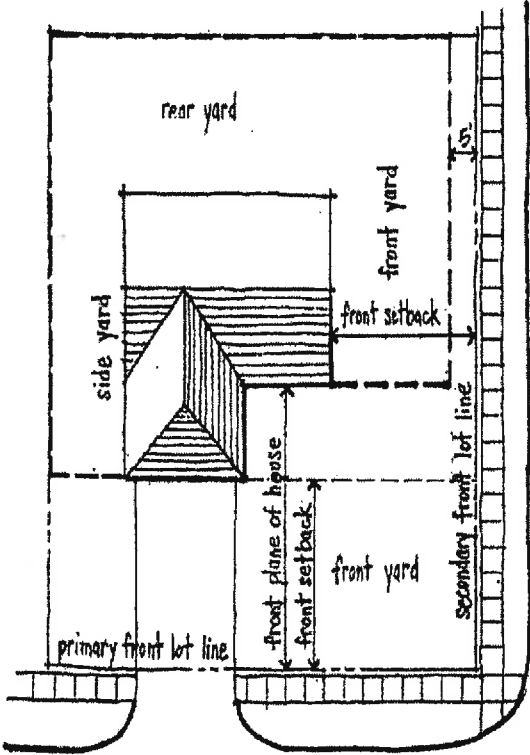
- (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.
- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) Height.

- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.
- (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.
- (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
- (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
- (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
- (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection

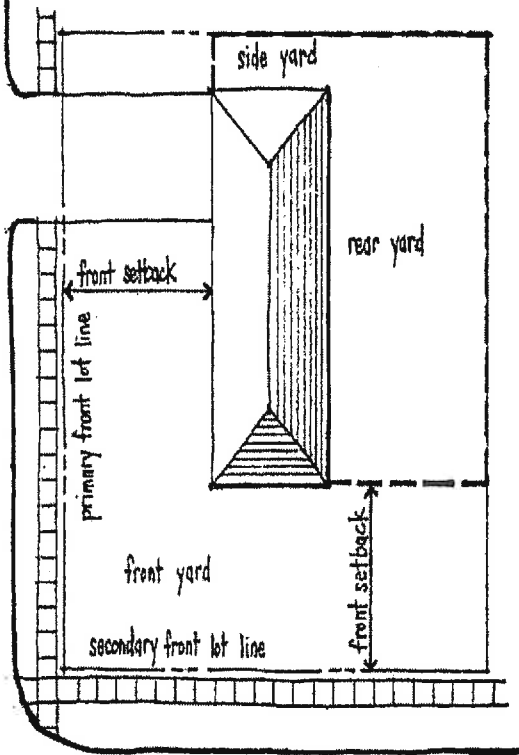
shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure



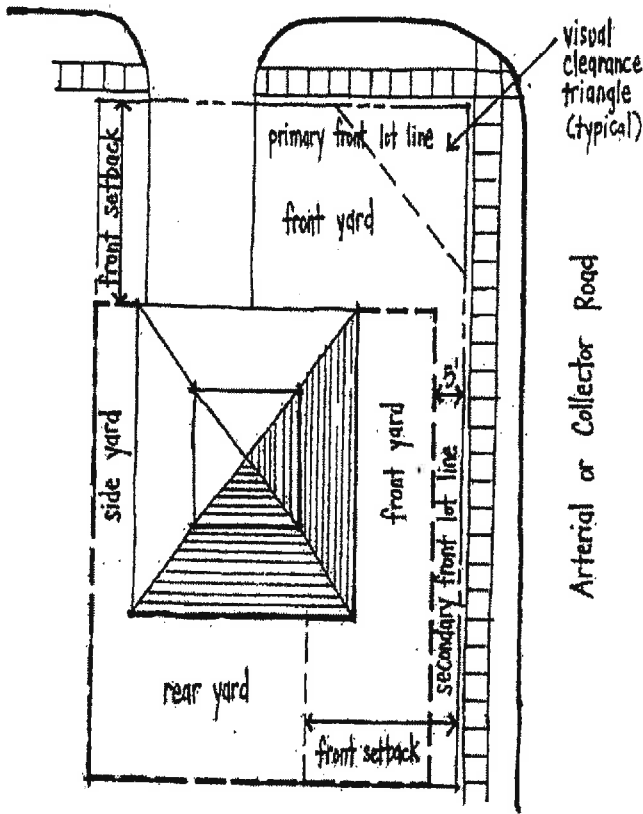
Local Street

Conforming Lot & Structure



Arterial or Collector Road

Local Street



Arterial or Collector Road

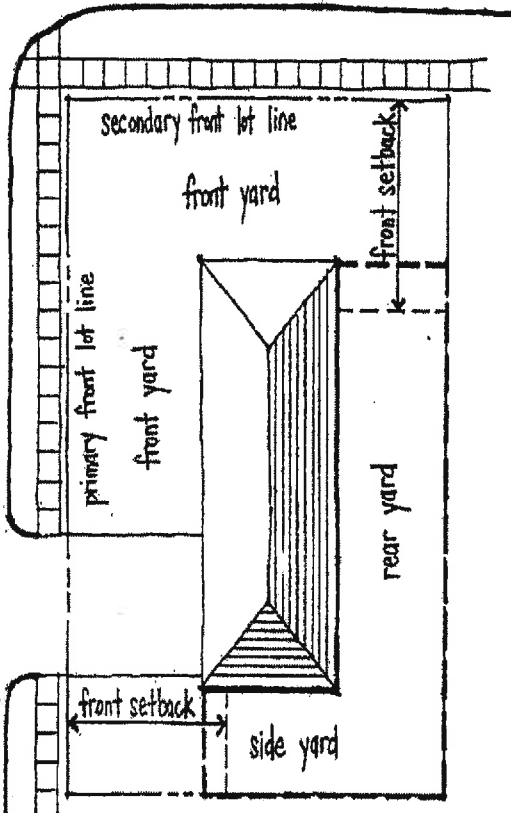


figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
 - (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
 - (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.
- (3) Location.
- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
 - (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with 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) Reserved.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

GENERAL REQUIREMENTS

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).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the occupants and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] **108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

[A] **108.2.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] **108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] **108.4 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] **108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] **108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] **108.6 Abatement methods.** The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] **108.7 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

SECTION 109 EMERGENCY MEASURES

[A] **109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] **109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done,

Case Cost Sheet Log

Case No. 16-1140

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living	Cost to mail Notice of Violation/Notice of Hearings to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	10/21/2016	Green card signed on 10/25/16	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Country Manor Assisted Living	Cost to mail Finding of Fact, Conclusion of Law & Order to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	12/14/2016		\$7.34

Total: 41.68



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1140

To: Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

Re: 1152 Old Hammock Road
Port Orange, FL 32129
Parcel ID: 6305-04-00-0021

LEGAL DESCRIPTION: W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 18, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

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

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

- (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.
- The entire property needs to be mowed and all high weeds and grass trimmed.
- (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.
- The entire property needs to be cleaned up of all garbage, trash, junk, and debris. This also includes down limbs, trees, and branches.

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 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 **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 \$ 16407 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 **December 14, 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 **January 25, 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- 5616 or at abonin@port-orange.org.

DATED this 20th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: *Amanda Bonin*
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 1152 Old Hammock Road Port Orange, FL 32129, RE: 1152 Old Hammock Road Port Orange, FL 32129, was

- ☐ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 3:47 pm

this 20th day of October, 2016.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Country Manor Assisted Living 3101 Archer Avenue Orlando, FL 32833, RE: 1152 Old Hammock Road Port Orange, FL 32129, was

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

this 21 day of October, 2016.

Christopher Demure
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: 6305-04-00-0021 2017 Working Tax Roll Last Updated: 10-16-2016

Owner Name and Address

Alternate Key	3585747	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		Ownership Percent	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

Legal Description

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6289	3245	10/2008	Warranty Deed	Qualified Sale	Yes	800,000
3835	2693	06/1993	Warranty Deed	Qualified Sale	Yes	500,000
2893	1087	10/1986	Warranty Deed	Personal property /business	Yes	860,000
2168	0868	05/1980	Warranty Deed	Qualified Sale	Yes	135,000

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
2016	382,239	122,982	5,537	510,758	510,758	510,758	0	510,758	0	510,758
2015	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.50	100	65	100	100	382,239
Neighborhood C5502 PORT ORANGE- NOVA ROAD											
Total Land Classified											0
Total Land Just											382,239

Building Characteristics

Building Number: 111590 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111590	Commercial	Concrete or Masonry	1432	1976	300	42%	70%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C		
001	9.00	2	1976	0.00	1250 Home for the Aged, Average (74C)				100.00	No	Yes
002	9.00	1	1976	0.00	132 Porch, Open Unfinished (UOP)				0.00	No	No
003	9.00	1	1984	0.00	133 Porch, Open Finished (FOP)				0.00	No	No
004	9.00	1	1976	0.00	8498 Home for the Aged, Average (74C)				100.00	No	No
005	9.00	1	1976	0.00	626 Porch, Screen Unfinished (USP)				0.00	No	No
006	9.00	1	1976	0.00	28 Porch, Open Finished (FOP)				0.00	No	No

10/27/2008 08:49 AM
Doc stamps 5600.00
(Transfer Amt \$ 800000)
Instrument# 2008-210417 # 1
Book : 6289
Page : 3245
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared By:

John B. Crowther
Attorney at Law
279 East Graves Avenue
Orange City, Florida 32763
(863) 775-6179

Property Appraiser's Parcel Identification Number:
31-04-00-0021

RETURN TO 1815053
VOLUSIA TITLE SERVICES
109 WEST BICH AVENUE
DELAND, FL 32720

THIS SPECIAL WARRANTY DEED, executed this 23RD day of October, 2008, by **EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation**, 202 Plumosa Road, DelBury, Florida 32713, Grantor, to **COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME, LLC, a Florida Limited Liability Company**, whose post office address is 3101 Archer Avenue, Orlando, Florida 32833, Grantee:

WITNESSETH, that the said Grantor, for and in consideration of the sum of \$10.00, in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee forever, all right, title, interest, claim and demand which the said Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The West Three (3) acres of Tract 2 of the replat of the Division of a portion of the Division of Lot 5, Section 5, Township 16 South, Range 33 East, CITY OF PORT ORANGE, Volusia County, Florida, as recorded in Plat Book 34, Pages 13 and 14, Public Records of Volusia County, said West Three (3) acres have also been described as the West Three (3) acres of Lot 2, VOSS SUBDIVISION, as recorded in Deed Book "L", Page 18, Public Records of Volusia County, said property being more particularly described as follows: Begin at the Southwest corner of Government Lot 5, thence North 00°13'35" West a distance of 280.50 feet to the Southwest corner of said Tract 2 and the true Point of Beginning; thence North 00°13'57" West a distance of 589.75 feet; thence North 89°07'09" East a distance of 221.59 feet; thence South 00°13'57" East a distance of 269.75 feet to the Northerly line of a 32 foot utility, ingress and egress easement; thence South 00°13'57" East along the West line of said easement a distance of 32 feet; thence South 00°13'57" East a distance of 290.56 feet; thence South 89°46'53" West a distance of 221.58 feet to the true Point of Beginning.

Subject to the same conditions, reservations and restrictions of record, if any, which previously affected this property and which are in affect at this date, and also subject to zoning and other governmental regulations.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto 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, except as above noted, at the time of the delivery of this deed the premises were free from all encumbrances made by the Grantor, except taxes accruing subsequent to December 31, 2007, and the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:


John B. Crowther

Elizabeth A. Waiden
STATE OF FLORIDA
COUNTY OF VOLUSIA

EDA INVESTMENT CORPORATION, a/k/a EDA
INVESTMENT CORPORATION, INC.

By:  L.S.
Eleanor B. Ade, as Vice President

I HEREBY CERTIFY that on this day before me, an officer duly authorized to administer oaths and take

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 preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Case Cost Sheet Log

Case No. 16-1832

Name	Activity	Activity_Date	Status	Cost
Scott T. Gilroy	Cost to mail Notice of Repeat Violation/Notice of Hearings to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	11/11/2016	Both mailings returned unable to forward	\$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Scott T. Gilroy	Cost to mail Finding of Fact, Conclusion of Law & Order to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	12/14/2016		\$7.34

Total: 41.68



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1832

To: Scott T Gilroy
104 Tumbler Drive
Port Orange, FL 32129

Re: 104 Tumbler Drive
Port Orange, FL 32129
Parcel ID: 6308-03-00-1040

LEGAL DESCRIPTION: LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 25, 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. City of Port Orange Code of Ordinances, Chapter 42 Nuisances Article 2 Garbage Junk and Undergrowth, Sec. 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 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.
 - The entire yard needs to be mowed and all high weeds and grass need to be 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 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 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 **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 \$ 6607 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.

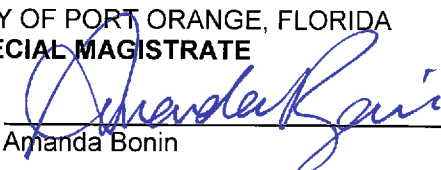
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 14, 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 **January 11, 2017, 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) 506-5616.

DATED this 11th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

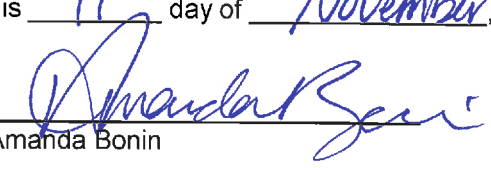
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 11th day of November, 2016.

Time: approx. 12:55 pm

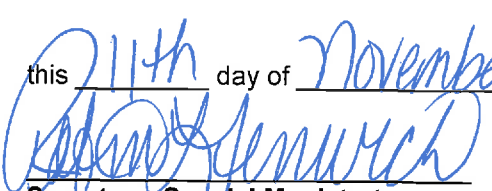

Amanda Bonin

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☐ Posted at City Hall

☒ Sent via certified and regular

this 11th day of November, 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: 6308-03-00-1040 2017 Working Tax Roll Last Updated: 10-29-2016

Owner Name and Address

Alternate Key	3601670	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6308-03-00-1040	Mill Group	402 Port Orange
Full Parcel ID	08-16-33-03-00-1040	2016 Final Mill Rate	20.05190
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	GILROY SCOTT T		
Owner Name/Address 1			
Owner Address 2	104 TUMBLER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	104 TUMBLER DR PORT ORANGE 32129		

Legal Description
LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
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2032 0309	11/1978	Warranty Deed	Qualified Sale	Yes	52,900
1931 1711	10/1977	Warranty Deed	Qualified Sale	Yes	38,000

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
2016	11,868	100,933	11,169	123,970	123,970	115,133	0	123,970	0	115,133
2015	11,868	87,176	11,003	110,047	110,047	104,666	0	110,047	0	104,666

[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	86.0	100.0	86.00	FRONT FEET	150.00	92	100	100	100	11,868
Neighborhood	5992 BRANDY HILLS-UNIT 1 MB 34 PG'										
Total Land Classified											0
Total Land Just											11,868

Building Characteristics

Building Number: 113104 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113104	Single Family	184	1977	300		30%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	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	2	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	Res BASE Area (BAS)	C B STUCCO	1.0	1977	N	0%	0%	1419 Sq. Feet	

09/25/2002 15:29
Doc stamps 938.00

Return to:
Name:
Address:

(Transfer Amt \$ 134000)
Instrument # 2002-219247
Book: 4934
Page: 1679
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared:

Andrea Swanto Boswell, C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

6308-03-00-1040

Grantee(s) S.S.#(s):

File No:**SB025780**

WARRANTY DEED

This Warranty Deed Made the 20th day of September, 2002, by **RANDY L. WILLIAMSON**, hereinafter called the grantor, whose post office address is: **183 SIDDINGTON WAY, LEXINGTON, South Carolina 29073**

to **SCOTT T. GILROY**, whose post office address is: **104 TUMBLER DR., PORT ORANGE, Florida 32129**, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars 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 104, BRANDY HILLS - UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 34, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is not the homestead of the Grantor(s) nor does it lie adjacent or contiguous to his homestead property.

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 2001, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name: Denise A. Cochran

Randy L. Williamson
RANDY L. WILLIAMSON

Witness Signature:

Printed Name: Debbie M. Stedschlag

Witness Signature: _____

Printed Name: _____

Witness Signature: _____

Printed Name: _____

STATE OF SOUTH CAROLINA
COUNTY OF **LEXINGTON**

The foregoing instrument was acknowledged before me this 19th day of September, 2002, by **RANDY L. WILLIAMSON**, who is/are personally known to me or who has/have produced driver license(s) as identification.

SOUTHERN TITLE

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 preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Case Cost Sheet Log

Case No. 16-1833

Name	Activity	Activity_Date	Status	Cost
Scott T. Gilroy	Cost to mail Notice of Repeat Violation/Notice of Hearings to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	11/11/2016	Both mailings returned unable to forward	\$7.76
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Scott T. Gilroy	Cost to mail Finding of Fact, Conclusion of Law, & Order to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	12/14/2016		\$7.34

Total: 42.10



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1833

To: Scott T Gilroy
104 Tumbler Drive
Port Orange, FL 32129

Re: 104 Tumbler Drive
Port Orange, FL 32129
Parcel ID: 6308-03-00-1040

LEGAL DESCRIPTION: LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 25, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 30, 2016.

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

1. City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls.
Modified (b) (4) (a) & (b)
 - (b) General provisions.
 - (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.

- The fence needs to be repaired to be in its original and upright condition or replaced

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

- The swimming pool needs to be cleaned and covered

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 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 **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.

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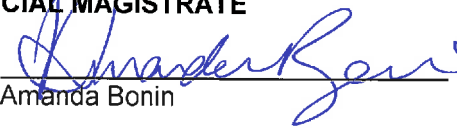
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For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 11th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Amanda Bonin

P I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

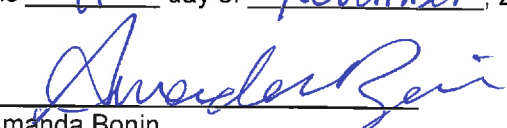
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

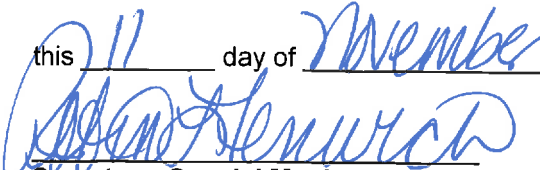
Time: approx. 12:55pm

this 11th day of November, 2016.


Amanda Bonin

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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: 6308-03-00-1040 2017 Working Tax Roll Last Updated: 10-29-2016

Owner Name and Address

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Full Parcel ID	08-16-33-03-00-1040	2016 Final Mill Rate	20.05190
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Ownership Type		Ownership Percent	100
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Owner Name/Address 1			
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2015	11,868	87,176	11,003	110,047	110,047	104,666	0	110,047	0	104,666

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	86.0	100.0	86.00	FRONT FEET	150.00	92	100	100	100	11,868
Neighborhood 5992 BRANDY HILLS-UNIT 1 MB 34 PG											
Total Land Classified											0
Total Land Just											11,868

Building Characteristics

Building Number: 113104 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113104	Single Family	184	1977	300		30%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	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	2	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 Res	BASE Area (BAS)	C B STUCCO	1.0	1977	N	0%	0%	1419 Sq. Feet	

09/25/2002 15:29
Doc stamps 938.00

Return to:
Name:
Address:

This Instrument Prepared:

Andrea Swanto Boswell, C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118

(Transfer Amt \$ 134000)
Instrument # 2002-219247
Book: 4934
Page: 1679
Diane M. Matousek
Volusia County, Clerk of Court

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6308-03-00-1040
Grantee(s) S.S.#(s):
File No: **SB025780**

WARRANTY DEED

This Warranty Deed Made the 20th day of September, 2002, by **RANDY L. WILLIAMSON**, hereinafter called the grantor, whose post office address is: **183 SIDDINGTON WAY, LEXINGTON, South Carolina 29073**

to **SCOTT T. GILROY**, whose post office address is: **104 TUMBLER DR., PORT ORANGE, Florida 32129**, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars 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 104, BRANDY HILLS - UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 34, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is not the homestead of the Grantor(s) nor does it lie adjacent or contiguous to his homestead property.

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 2001, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name: Denise A. Cochran

Randy L. Williamson
RANDY L. WILLIAMSON

Witness Signature:

Printed Name: Debi M. Siedschlag

Witness Signature: _____

Printed Name: _____

Witness Signature: _____

Printed Name: _____

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

The foregoing instrument was acknowledged before me this 19th day of September, 2002, by **RANDY L. WILLIAMSON**, who is/are personally known to me or who has/have produced driver license(s) as identification.

SOUTHERN TITLE

Section 3: - Fences and walls.

- (a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) General provisions.
 - (1) Restrictions.
 - (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
 - (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
 - (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal

of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

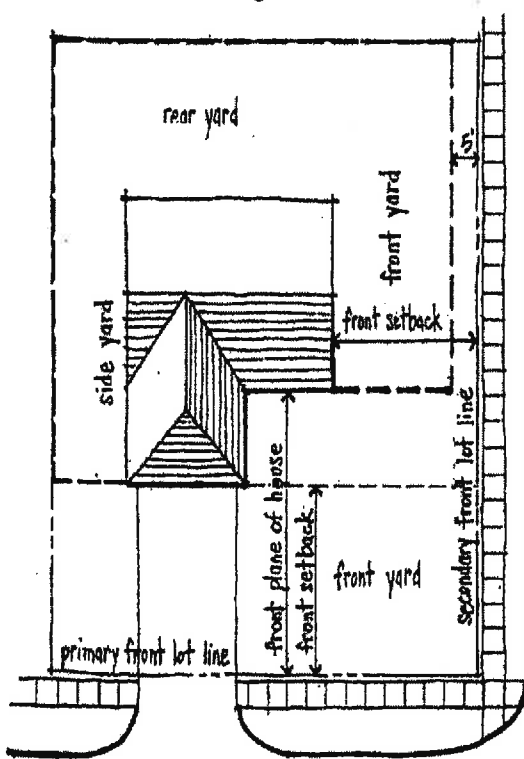
- (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.
- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) Height.

- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.
- (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.
- (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
- (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
- (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
- (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection

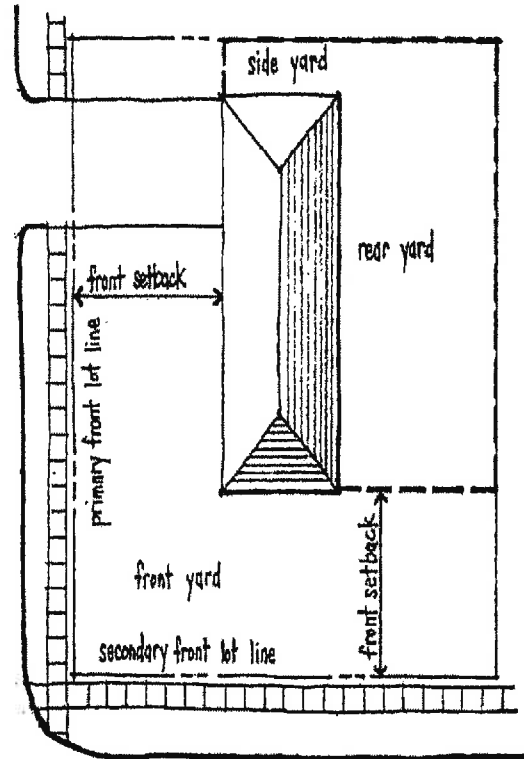
shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure

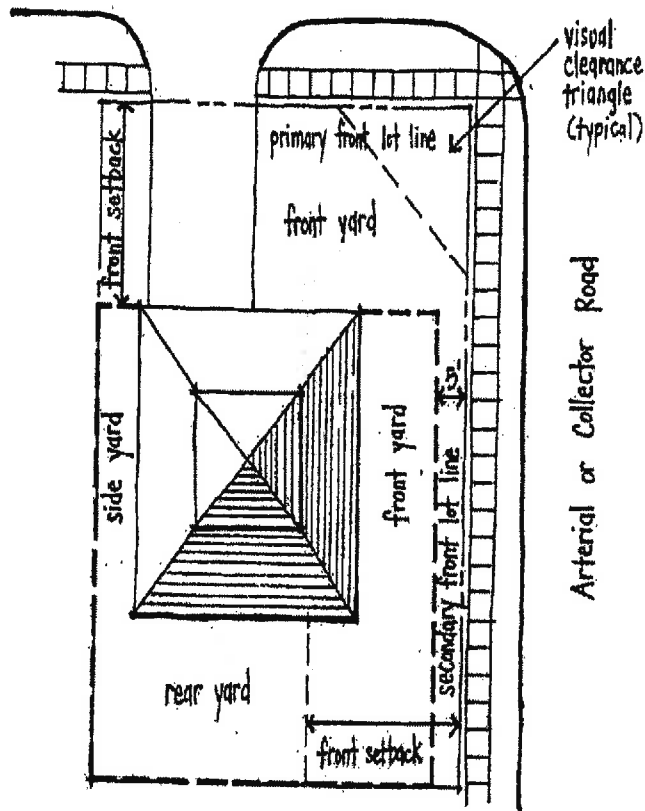


Local Street

Conforming Lot & Structure



Local Street



Arterial or Collector Road

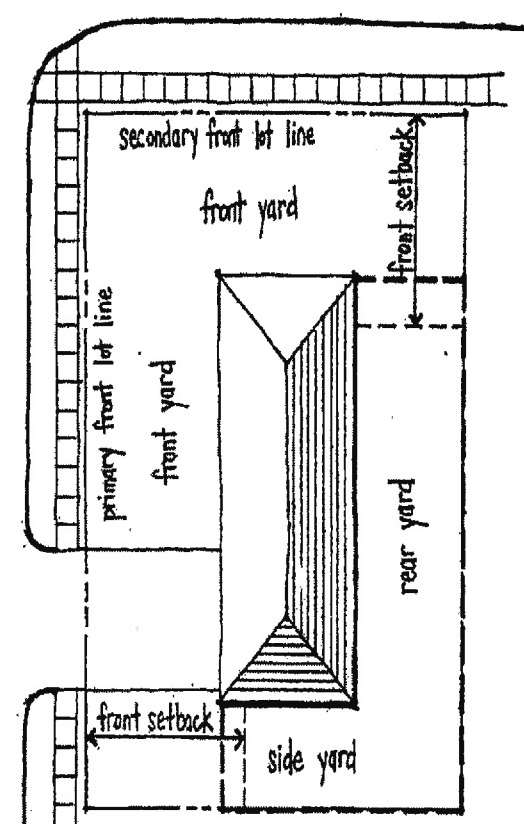


figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
 - (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
 - (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.
- (3) Location.
- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
 - (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with 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) Reserved.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

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

Case Cost Sheet Log

Case No. 16-1403

Name	Activity	Activity_Date	Status	Cost
Maureen Kennedy & Linda Kennedy	Cost to mail Notice of Repeat Violation/Notice of Hearings to 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 (via regular & certified to each respondent)	10/27/2016	All mailings were return "unable to forward"	\$14.68
John Kennedy	Cost to mail Notice fo Repeat Violation/Notice of Hearings to 17 Brook Trail, Wurtsboro, NY 12790 (via regular & certified mail)	10/27/2016	Regular mailing was not returned; certified mailing returned "unable to forward"	\$7.34
Clerk of Court	Cost to record Finding of Fact, Conclusion of Law & Order	12/14/2016		\$27.00
Maureen Kennedy & Linga Kennedy	Cost to mail recorded Finding of Fact, Conclusion of Law & Order to 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 (via regular & certified to each respondent)	12/14/2016		\$14.68
John Kennedy	Cost to mail recorded Finding of Fact, Conclusion of Law & Order to 17 Brook Trail, Wurtsboro, NY 12790 (via regular & certified mail)	12/14/2016		\$7.34

Total: 71.04



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1403

To: Linda Kennedy and Maureen Kennedy
40 Burlison Ave. Apt 2
Ellenville, NY 12428

John Kennedy
17 Brook Trail
Wurtsboro, NY 12790

Re: 5204 Sydney Street
Port Orange, FL 32127
Parcel ID: 6315-07-21-0080

LEGAL DESCRIPTION: LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR
4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 23, 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. 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) & (f)Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.
 - On August 23, 2016 I observed this entire property as being overgrown with yard debris scattered throughout. A complaint from a neighbor states there are rodents and snakes coming from the overgrowth.
 -

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** 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 **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 \$ 22.02 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 December 14, 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 January 25, 2017, 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 25th day of October, 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 Linda Kennedy and Maureen Kennedy, 40 Burlison Ave. Apt 2, Ellenville, NY 12428 & John Kennedy 17 Brook Trail, Wurtsboro, NY 12790, RE: 5204 Sydney Street, Port Orange, FL 32127, was

☐ Hand-delivered

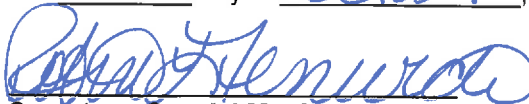
☒ Posted at the property

Time: approx. 2:00 pm

this 25th day of October, 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 Linda + Maureen Kennedy @ 40 Burlington Ave, Apt. 2, Ellenville, NY 12428
☒ Posted at City Hall
☒ Sent via certified and regular + John Kennedy @ 17 Brook Tr., Wurtsboro, NY 12790 was
this 27 day of October, 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: 6315-07-21-0080 **2017 Working Tax Roll** Last Updated: 10-23-2016

Owner Name and Address

Alternate Key	3637674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-07-21-0080	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-07-21-0080	2016 Final Mill Rate	20.05190
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	33.3
Owner Name	KENNEDY LINDA &		
Owner Name/Address 1			
Owner Address 2	40 BURLISON AVE APT 2		
Owner Address 3	ELLENVILLE NY		
Owner Zip/Postal Code	12428		
Situs Address	5204 SYDNEY ST PORT ORANGE 32127		

Additional Owners

Ownership Type		Ownership Percent	33.30
Additional Owner Name	KENNEDY JOHN &		
Ownership Type		Ownership Percent	33.30
Additional Owner Name	KENNEDY MAUREEN &		

Legal Description

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6447	1442	12/2009	Personal Rep.	Unqualified Sale	Yes	100
4644	1030	01/2001	Warranty Deed	Qualified Sale	Yes	42,912
4110	0099	05/1996	Warranty Deed	Qualified Sale	Yes	42,500
3930	3323	06/1994	Warranty Deed	Qualified Sale	Yes	32,000
3722	3665	01/1992	Warranty Deed	Unqualified Sale	Yes	28,000
3714	2483	10/1991	Warranty Deed	Qualified Sale	Yes	30,000

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
2016	18,470	19,106	0	37,576	37,576	35,325	0	37,576	0	35,325
2015	18,470	16,738	0	35,208	35,208	32,114	0	35,208	0	32,114

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	60.0	155.0	60.00	FRONT FEET	259.99	118	100	100	100	18,470
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											18,470

Building Characteristics

Building Number: 116244 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review	
116244	Mobile Home		180	1973	150	Mobile Home	70%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0	
Roof Cover	METAL	Wall Type		Plywood Panel	X Fixture Bath	0	5 Fixture Bath		0	
Heat Type1	Forced Ducted	Heat Source1		Gas	2 Fixture Bath	0	6 Fixture Bath		0	
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0	

Prepared by and return to:

Janet M. Strickland
Attorney at Law
Law Office of Janet M. Strickland, P.A.
4643 Clyde Morris Boulevard Suite 307
Port Orange, FL 32129
386-763-5083
File Number: B08-031
Will Call No.: [REDACTED]

[Space Above This Line For Recording Data]

Personal Representative's Deed

This Personal Representative's Deed made this 31 day of December, 2009, between **John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased** whose post office address is 17 Brook Trail, Wurtsboro, NY 12790, grantor, and **Linda Kennedy, a married person and John Kennedy, a single person and Maureen Kennedy, a single person** whose post office address is 40 Burlison Ave., Apt. 2, Ellenville, NY 12428, grantee:

(Whenever used herein the terms 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, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantees heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

LOT 8, BLOCK 21, COMMONWEALTH MOBILE ESTATES-2ND ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 104, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A 1973 TAHO DOUBLE WIDE MANUFACTURED HOME HAVING IDENTIFICATION NUMBERS 3T60LJ35122A&B.

Parcel Identification Number: 6315-07-21-0080

Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This document was prepared at the request of the Grantor(s) and no title search was requested or rendered.

More Commonly Known As: 5204 Sydney Street, Port Orange, FL 32127.

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 has good right and lawful authority to sell and convey said land; that the grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Marta Rivas
Witness Name: MARTA RIVAS

Linda Rivas
Witness Name: LINDA RIVAS

John Kennedy
John Kennedy, Personal Representative

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 16th day of JANUARY, 2010 by John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]

Robert Gomez Jr.
Notary Public

Printed Name: Robert Gomez Jr.

My Commission Expires: October 31, 2010

ROBERT GOMEZ, JR.
Notary Public, State of New York
Qualified in Ulster County
No. 4943623
Commission Expires October 31, 2010

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



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-889

To: Sara R Bonner
52 Woodfield Dr.
Port Orange, FL 32129

Re: 52 Woodfield Dr.
Port Orange, FL 32129
Parcel ID: 6307-01-00-0520

LEGAL DESCRIPTION: LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 0728 PER UNREC D/C
PER D/C 5960 PG 2457 PER OR 7131 PG 3635
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 25, 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 three (3) days to correct. A re-inspection was done on June 17, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 11, 2016.

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

1. 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.
 - The entire property is overgrown and needs to be mowed and maintained with all undergrowth cut back along house and fences. All garbage, waste, trash, debris, etc., is to be cleaned up and removed from entire property and parkage. The adjacent parkage is to be mowed and maintained as provided in subsection (d) of the above ordinance along with removing any trash or debris from that area.

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 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 **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 **December 14, 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 **January 25, 2017, 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 25th day of October, 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 Sara R Bonner, 52 Woodfield Dr., Port Orange, FL 32129, RE: 52 Woodfield Dr., Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

this 25th day of October, 2016.

Time: approx. 1:00 pm

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 Sara R Bonner, 52 Woodfield Dr., Port Orange, FL 32129, RE: 52 Woodfield Dr., Port Orange, FL 32129, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 27 day of October, 2016.


Secretary, Special Magistrate

cc: J Bennett Kittermann, Brock & Scott PLLC, 1501 NW 49th St., Ste. 200, Ft. Lauderdale, FL 33309

10/26/16 Hand delivered Anissa Bolton

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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Parcel Information: 6307-01-00-0520 **2016 Preliminary Tax Roll** Last Updated: 08-07-2016

Owner Name and Address

Alternate Key	3592271	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-01-00-0520	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-01-00-0520	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Estate	Ownership Percent	100
Owner Name	BONNER SARA R		
Owner Name/Address 1			
Owner Address 2	52 WOODFIELD DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	52 WOODFIELD DR PORT ORANGE 32129		

Legal Description
 LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 0728 PER UNREC D/C PER D/C 5960 PG 2457 PER OR 7131 PG 3635

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4187 0728	03/1997	Warranty Deed	Affiliated Parties	Yes	10
4173 0144	01/1997	Warranty Deed	Affiliated Parties	Yes	1
3598 1736	03/1991	Warranty Deed	Qualified Sale	Yes	67,000
2385 0520	09/1982	Warranty Deed	Qualified Sale	Yes	72,100
2139 0348	01/1980	Warranty Deed	Qualified Sale	Yes	50,600

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	12,883	87,965	0	100,848	100,848	100,848	0	100,848	0	100,848
2014	12,883	88,185	0	101,068	96,654	96,654	25,500	71,154	25,000	46,154

[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	6.0	116.0	6.00	FRONT FEET	180.02	97	100	100	100	1,049
0101	IMP PVD THRU .49 AC	70.0	106.0	70.00	FRONT FEET	180.00	94	100	100	100	11,834

Neighborhood 5890 RAVENWOOD SUB MB 33 PGS 170 &

Total Land Classified	0
Total Land Just	12,883

Building Characteristics
 Building Number: 112176 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112176	Single Family	178	1977	300		30%	0%	0%	2999

Roof Type	Roof Cover	Heat Type1	Heat Type2	Foundation	Floors	Wall Type	Heat Source1	Heat Source2	Year Remodeled	Bedrooms	X Fixture Bath	2 Fixture Bath	3 Fixture Bath	Fireplaces	4 Fixture Bath	5 Fixture Bath	6 Fixture Bath	7 Fixture Bath		
GABLE	ASPHALT SHINGL	Forced Ducted								Carpet	Drywall	Electricity			3	4	5	6	7	

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1977	N	0%	0%	1608 Sq. Feet
002	Patio (PTO)	C B STUCCO	1.0	1977	N	0%	0%	144 Sq. Feet
003	Finished Garage (FGR)	C B STUCCO	1.0	1977	N	0%	0%	580 Sq. Feet
004	Porch, Open Finished (FOP)	C B STUCCO	1.0	1977	N	0%	0%	189 Sq. Feet
005	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1997	N	0%	0%	104 Sq. Feet
006	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1997	N	0%	0%	48 Sq. Feet

Prepared By: **JOYCE A. PRATER**
PROFESSIONAL TITLE AGENCY, INC.
2763 S. RIDGEWOOD AVENUE, SUITE C SOUTH DAYTONA, FL 32119
incidental to the issuance of a title insurance policy.
File No.: **0463*P6092**
Parcel ID #: **6307-01-00-0520**
Grantee(s) SS # ,

Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 97048018
Book: 4187
Page: 728
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated March 18, 1997
by **ROBERT E. BONNER**

whose post office address is
862 Terrace Avenue, Daytona Beach, Florida 32114
hereinafter called the GRANTOR, to
WILLIAM R. BONNER and SARA R. BONNER, Husband and Wife

whose post office address is
52 WOODFIELD DRIVE, PORT ORANGE, FL 32119
hereinafter called the GRANTEE:

(Wherever used herein the terms "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 52, RAVENWOOD SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 33, PAGES 170 AND 171 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Grantor hereby warrants that the property described in this instrument is not his constitutional homestead as provided by the Florida Constitution.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 1997 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Joyce A. Prater
Print Name: **JOYCE A. PRATER**
Signature: Yvonne S. Schwab
Print Name: **YVONNE S. SCHWAB**

Robert E. Bonner
ROBERT E. BONNER

State of Florida
County of **VOLUSIA**

I am a notary public of the state of Florida, and my commission expires: _____
THE FOREGOING INSTRUMENT was acknowledged before me on March 18, 1997 by
ROBERT E. BONNER

who is personally known to me or who has produced DRIVER LICENSE as identification and who DID take an oath.
(type of identification) (did/did not)



JOYCE A. PRATER
COMMISSION # 00448399 EXPIRES
April 17, 1999
BONDED THRU TROY FAIR INSURANCE, INC.

Signature: Joyce A. Prater
Print Name: **JOYCE A. PRATER** 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) *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

preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

BONNER AKA
SARA
RICHARDSON
BONNER
DECEASED

Party Contact Detail

No Contact Information Returned

Party Attorney Detail

	Name	Type	Bar #	SPN	Start
	J BENNETT KITTERMANN	PRIMARY ATTORNEY	98636	841280	10/19/2015

Attorney Contact Detail

Date	Type	Details
01/01/1900	Mailing Address	BROCK & SCOTT PLLC 1501 NW 49TH ST STE 200 FT LAUDERDALE Florida 33309

Case Cost Sheet Log

Case No. 16-1054

Name	Activity	Activity_Date	Status	Cost
Bryon Dickerson	Cost to mail Notice of Violation/Notice of Hearings to 5434 Hibiscus Ave., Port Orange, FL 32127 (via regular & certified mail)	10/18/2016	Green card signed for on 10/20/16	\$8.24
TD Bank NA	Cost to mail Notice of Violation/Notice of Hearings to 32 Chestnut Street, Lewiston, ME 04240 (via regular & certified mail)	10/18/2016	Green card signed for but undated. Received by the City Clerk on 10/24/16	\$7.76
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	12/14/2016		\$27.00
Bryon Dickerson	Cost to mail Finding of Fact, Conclusion of Law & Order to 5434 Hibiscus Ave., Port Orange, FL 32127 (via regular & certified mail)	12/14/2016		\$8.24
TD Bank NA	Cost to mail Notice of Violation/Notice of Hearings to 32 Chestnut Street, Lewiston, ME 04240 (via regular & certified mail)	12/14/2016		\$7.76

Total: 59.00



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1054

To: Bryon Dickerson
5434 Hibiscus Ave.
Port Orange, FL 32127

Re: 5434 Hibiscus Ave.
Port Orange, FL 32127
Parcel ID: 6340-03-03-0070

LEGAL DESCRIPTION: LOT 7 BLK C BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 3107 PG 1857 PER OR 6314
PG 3708 PER D/C 6853 PG 4478 PER D/C 6853 PG 4479 PER OR 7027 PG 4518
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 29, 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 three (3) days to correct. A re-inspection was done on July 15, 2016 and as recently as October 13, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 31, 2016.

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

1. City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h)

On June 29, 2016, I observed this property as being entirely overgrown and needing to be mowed and all overgrowth cut back. All garbage, trash, and debris (including storm debris) shall be removed (debris observed 10/13/16 from neighbor's yard). Additionally, the parkage needs to be mowed and maintained to the street.

2. Port Orange Land Development Code, Chapter 16, Section 3 (b)(4)(b)(d) as relates to fencing.

On October 13, 2016, I observed the fencing between this property and the adjoining property has been damaged.

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** 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 **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 \$ 14.67 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 December 14, 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 January 11, 2017, 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 14th day of October, 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 Bryon Dickerson, 5434 Hibiscus Ave., Port Orange, FL 32127, RE: 5434 Hibiscus Ave., Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx. 2:00 pm

this 14th day of October, 2016.

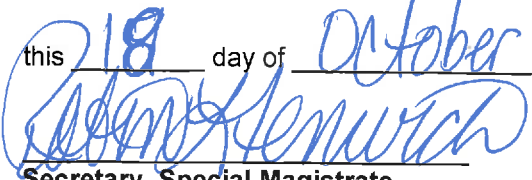
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bryon Dickerson, 5434 Hibiscus Ave., Port Orange, FL 32127, RE: 5434 Hibiscus Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 18 day of October, 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.

cc: TD Bank N.A.
32 Chestnut St.
Lewiston, ME 04240



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: 6340-03-03-0070 **2016 Preliminary Tax Roll** Last Updated: 10-09-2016

Owner Name and Address

Alternate Key	3690273	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6340-03-03-0070	Mill Group	402 Port Orange
Full Parcel ID	40-16-33-03-0070	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	DICKERSON BRYON		
Owner Name/Address 1			
Owner Address 2	5434 HIBISCUS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5434 HIBISCUS AV PORT ORANGE 32127		

Legal Description

LOT 7 BLK C BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 3107 PG 1857 PER OR 6314 PG 3708 PER D/C 6853 PG 4478 PER D/C 6853 PG 4479 PER OR 7027 PG 4518

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7027	4518	08/2014	Warranty Deed	Qualified Sale	Yes	128,100
6853	4479	01/2013	Death Certificate	Unqualified Sale	Yes	100
6853	4478	08/2011	Death Certificate	Unqualified Sale	Yes	100
6314	3708	01/2009	Warranty Deed	Unqualified Sale	Yes	100
3107	1857	02/1988	Warranty Deed	Qualified Sale	Yes	68,000
2860	0792	08/1986	Warranty Deed	Qualified Sale	Yes	71,000
2375	0901	07/1982	Warranty Deed	Qualified Sale	Yes	68,000
2180	0061	07/1980	Warranty Deed	Qualified Sale	No	5,500

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	14,357	88,654	0	103,011	85,738	85,738	25,000	60,738	25,000	35,738
2014	13,783	82,816	0	96,599	96,599	96,599	0	96,599	0	96,599

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	60.0	125.0	60.00	FRONT FEET	260.01	96	100	100	100	14,932
Neighborhood	5769 HARBOR OAKS UNIT 2 (6340-01)										
Total Land Classified											0
Total Land Just											14,932

Building Characteristics

Building Number: 120906 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120906	Single Family	160	1981	300		24%	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		Year Remodeled			Fireplaces	1	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)	WOOD ON SHEATING OR PLYWD	1.0	1981	N	0%	0%	1575 Sq. Feet	

Prepared By and Return To:
Lighthouse Title of East Florida, Inc.
104 LaCosta Lane Suite 100
Daytona Beach, FL 32114

Parcel No. 6340-03-03-0070

09/03/2014 01:28 PM
Doc stamps 896.70
(Transfer Amt \$ 128100)
Instrument# 2014-158373 # 1
Book : 7027
Page : 4518

WARRANTY DEED

THIS WARRANTY DEED dated August 29, 2014 by **Michael L. Thompson and John H. Thompson**, hereinafter called the grantor, to **Bryon Dickerson**, whose post office address is **5434 Hibiscus Ave., Port Orange, FL 32127**, hereinafter called the grantee:

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

WITNESSETH, that the said grantor, for and in consideration of the sum of \$128,100.00, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, viz:

Lot 7, Block "C", Baywood Replat, as per map in Map Book 23, Pages 44 and 45, of the Public Records of Volusia County, Florida.

Parcel ID#: 6340-03-03-0070

****THIS IS NOT THE CONSTITUTIONAL HOMESTEAD OF THE GRANTOR MICHAEL L. THOMPSON WHO RESIDES AT 2703 HUGH ST, PARKERSBURG, WV 26101 AND JOHN H. THOMPSON WHO RESIDES AT 24305 DIXON ROAD, COOLVILLE, OHIO 45723****

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that 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 lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2013.

WARRANTY DEED

(Continued)

Instrument# 2014-158373 # 2

Book : 7027

Page : 4519

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSETH:

• Tina D Reeder

(Witness Signature)

• Tina D Reeder

(Print Name of Witness)

• Barbara C Pack

(Witness Signature)

• Barbara C Pack

(Print Name of Witness)

Michael L Thompson

Michael L. Thompson

2703 Hugh St.

Parkersburg, WV 26101

STATE OF WEST VIRGINIA

COUNTY OF Wood

The foregoing instrument was acknowledged before me this 27 day of August, 2014, by Michael L. Thompson, who is / are personally known to me or who has / have produced WV DL C201944 as identification and who did take an oath.

• Tina D Reeder
Notary Public

My Commission Expires: 9-10-20



WARRANTY DEED

(Continued)

Instrument# 2014-158373 # 3
Book : 7027
Page : 4520
Diane M. Matousek
Volusia County, Clerk of Court

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSETH:

• [Signature]

(Witness Signature)

• Hollie H. Barnethay

(Print Name of Witness)

• Christie Anderson

(Witness Signature)

• C. Anderson

(Print Name of Witness)

• [Signature]

John H. Thompson

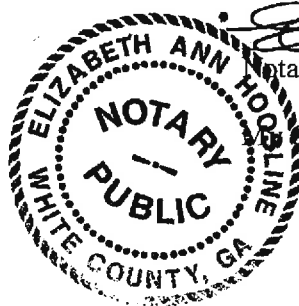
24305 Dixon Road

Coolville, Ohio 45723

STATE OF GEORGIA

COUNTY OF White

The foregoing instrument was acknowledged before me this 27th day of August, 2014, by John H. Thompson, who is / are personally known to me or who has / have produced Ohio license as identification and who did take an oath.



• [Signature]

Notary Public

Commission Expires: 11.05.17

Return To:
TD Bank N.A.

32 Chestnut St.
Lewiston, Maine 04240

09/03/2014 01:28 PM
Doc stamps 434.70
Intangible Tax 248.40
Instrument# 2014-158374 # 1
Book : 7027
Page : 4521

This document was prepared by:

Donn Rogers

Lewiston, ME 04240

[Space Above This Line For Recording Data]

MORTGAGE

MIN 1003418 [REDACTED] 4

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated August 29, 2014, together with all Riders to this document.

(B) "Borrower" is Bryon Dickerson, a single man

Borrower is the mortgagor under this Security Instrument.

(C) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the mortgagee under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.

(D) "Lender" is TD Bank, N.A.

FLORIDA-Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS

Form 3010 1/01

VMP -6A (FL) (1302)

Page 1 of 16

Initials:

BRD

VMP Mortgage Solutions, Inc.

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

preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

→ Section 3: - Fences and walls.

- (a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.

→ (b) *General provisions.*

(1) *Restrictions.*

- (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
- (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
- (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.
 - (7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the

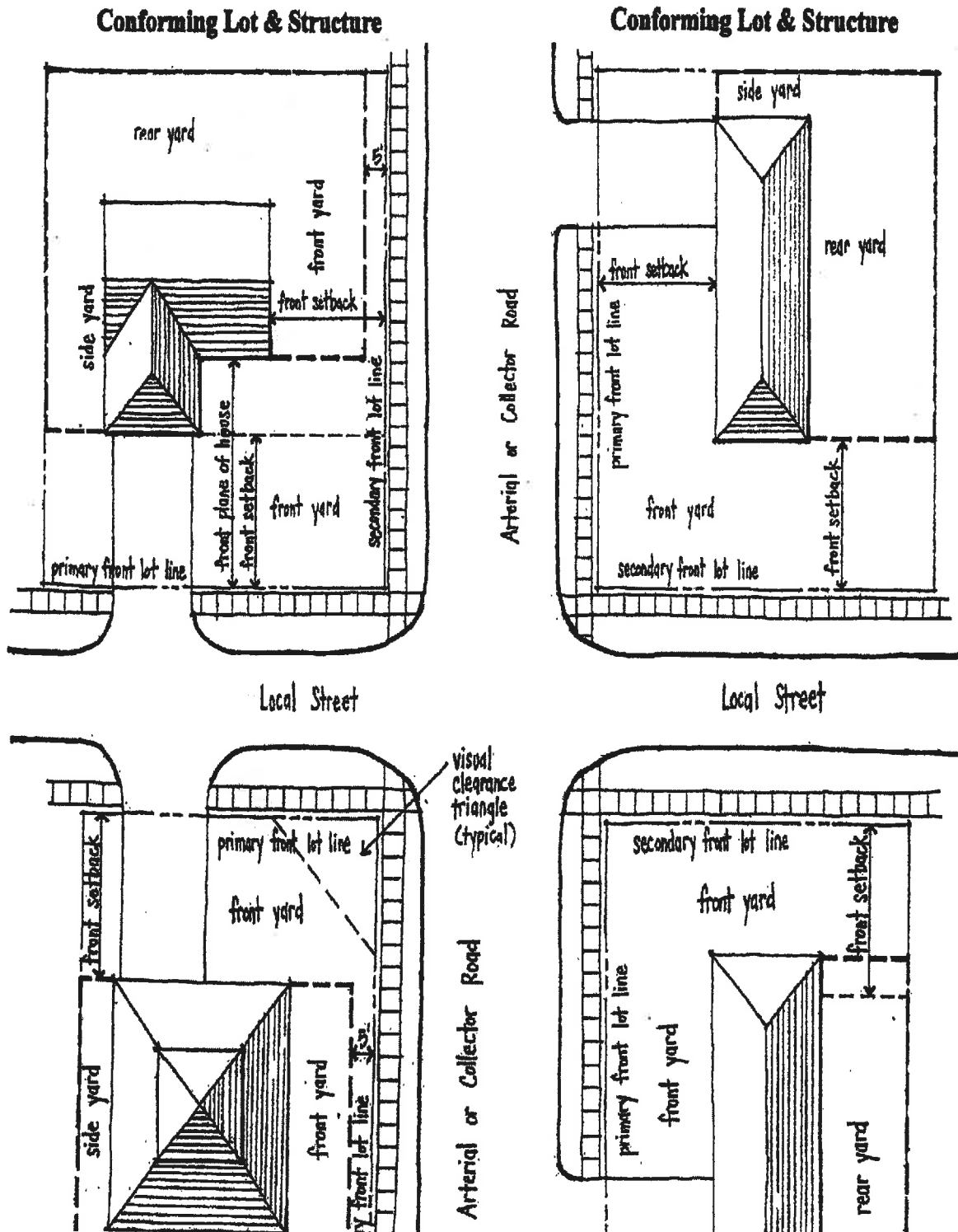
property must be seeded and mulched, or sodded, and vegetation established prior to the removal of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

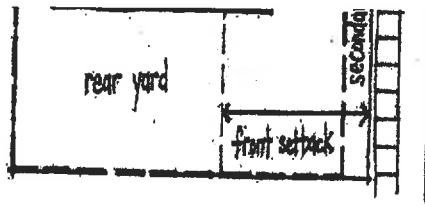
- (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.
- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) *Height.*

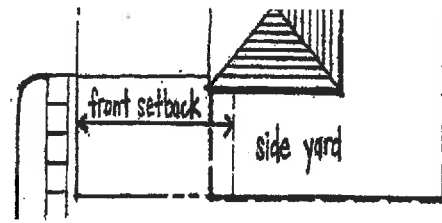
- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.
- (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.
- (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
- (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
- (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
- (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting

an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.





Non-Conforming Lot & Structure



Non-Conforming Lot & Structure

Figure 16:A

----- = allowed 6' high fence location

figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
- (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
- (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) Location.

- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with 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) Reserved.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

Case Cost Sheet Log

Case No. 16-1638

Name	Activity	Activity_Date	Status	Cost
George Morgan & Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings #1 to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	11/11/2016	Regular mailings for each returned "Deceased, unable to forward" on November 28, 2016	\$14.26
George Morgan & Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings #2 to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	11/11/2016	Certified mailings returned "Deceased, unable to forward"; regular mailings were not returned	\$15.52
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order (x2)	12/14/2016		\$54.00
George Morgan & Ethel M. Morgan	Cost to mail Finding of Fact, Conclusion of Law & Order (x2) to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	12/14/2016		\$15.52

Total: 99.30



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,
Petitioner

CASE NO. #16-1638

To: George Morgan &
Ethel M. Morgan
709 Sheldon Circle
Port Orange, FL 32127

Re: 709 Sheldon Circle
Port Orange, FL 32127
Parcel ID: 6315-04-11-0660

LEGAL DESCRIPTION: LOT 66 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2479PG
1092
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 30, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 5, 2016.

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

1. City of Port Orange Code of Ordinances, Chapter 32, Article II, Section 32-26 (d)(f)
 - The entire property is overgrown and needs to be mowed will all undergrowth pruned back. All garbage, junk, trash, and debris shall be removed from the yard and properly stored or disposed of.

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** 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 **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 December 14, 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 January 25, 2017, 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 10th day of November, 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 George Morgan & Ethel M. Morgan, 709 Sheldon Cir., Port Orange, FL 32127, RE: 709 Sheldon Cir., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 1:15 pm

this 10th day of November, 2016.

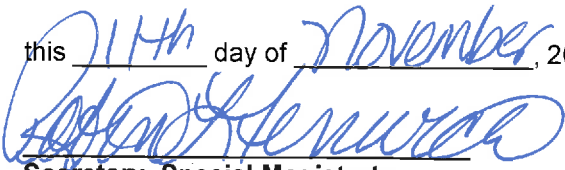
Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to George Morgan & Ethel M. Morgan, 709 Sheldon Cir., Port Orange, FL 32127, RE: 709 Sheldon Cir., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 14th day of November, 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.

24791092

BOOK PAGE This instrument was prepared by

Warranty Deed

(STATUTORY FORM -- SECTION 689.02(1))

WALTER E. FOSTER, JR.

Attorney at Law
310 South Beach Street
DAYTONA BEACH, FLORIDA 32014

This Indenture, Made this 15th day of August 1983 Between

JOHN A. STUPRICH and CATHERINE E. STUPRICH, his wife
of the County of Volusia, State of Florida, grantor, and

GEORGE MORGAN and LUEL M. MORGAN, his wife
whose post office address is 709 Sheldon Circle, Port Orange, Florida 32127

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

Witnesseth, That said grantor, for and in consideration of the sum of

TEN AND NO/100----- Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot Sixty-Six (66), Block Eleven (11), COMMONWEALTH MOBILE HOME ESTATES,
FIRST ADDITION, as per map in Map Book 29, page 47, of the Public Records
of Volusia County, Florida.

Together with Title to 1979 Champion Mobile Home, ID #0400475882.

SUBJECT to taxes for the year 1983 and subsequent years.

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

*"Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:

W. E. Foster
Barbara E. Bennett

Is Paid 54.00 Date AUG 16 1983
County Volusia
Signature of Clerk

John A. Stuprich (Seal)
Catherine E. Stuprich (Seal)
Catherine E. Stuprich (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

JOHN A. STUPRICH and CATHERINE E. STUPRICH

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August
1983.

My commission expires:

Barbara E. Bennett
Notary Public

Notary Public, State of Florida
My Commission Expires April 21, 1984

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



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1638

To:
George Morgan &
Ethel M. Morgan
709 Sheldon Cir.
Port Orange, FL 32127

Re: 709 Sheldon Cir., Port Orange, FL 32127

Port Orange, FL 32127

Parcel ID: 6315-04-11-0660

LEGAL DESCRIPTION: LOT 66 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2479 PG
1092

Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by Interim Building Official, Al Tischler.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on November 7, 2016, indicates that certain violation(s) of the City of Port Orange Code exists. Hurricane Matthew removed the roof, insulation, screen room, etc.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **December 5, 2016**.

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

1. Chapter 3, Section 304.1.1 (7, & 8)(Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.
 - The mobile home is structurally compromised and is, therefore, considered unsafe and a hazard to the public health, safety and welfare.
2. Additionally, Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs and drainage, 304.10 Stairways, decks, porches and balconies, 304.15 Doors, 304.18 Building Security.
 - All of the above structural elements have been affected by Hurricane Matthew and are considered hazardous to the public health, safety, and welfare.
3. Chapter 42, Article V, Division 3. – Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.
 - The Interim Building Official, Al Tischler, has personally inspected the mobile home and deems the mobile home to be unsafe due to the aforementioned damage. Pursuant to the instant ordinance, the unit shall be demolished by either interested party.

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 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 **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 \$ 15.52 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 **December 14, 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 **January 25, 2017, 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 10th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

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.

24791092

BOOK PAGE This instrument was prepared by

WALTER E. FOSTER, JR.

Attorney at Law
310 South Beach Street
DAYTONA BEACH, FLORIDA 32014**Warranty Deed**

(STATUTORY FORM -- SECTION 689.02 FS)

This Indenture, Made this 15th day of August 1983 Between

JOHN A. STUPRICH and CATHERINE E. STUPRICH, his wife,
of the County of Volusia, State of Florida, Grantor*, and
GEORGE MORGAN and ETHEL M. MORGAN, his wife,
Grantor*, and

whose post office address is 709 Sheldon Circle, Port Orange, Florida 32129

of the County of Volusia, State of Florida, grantor*.

Witnesseth. That said grantor, for and in consideration of the sum ofTEN AND NO/100-----Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the fol-
lowing described land, situate, lying and being in Volusia County, Florida, to-wit:Lot Sixty-Six (66), Block Eleven (11), COMMONWEALTH MOBILE HOME ESTATES,
FIRST ADDITION, as per map in Map Book 29, page 47, of the Public Records
of Volusia County, Florida.

Together with Title to 1979 Champion Mobile Home, ID #0400475882.

SUBJECT to taxes for the year 1983 and subsequent years.

IS Paid 54.00 Date AUG 16 1983
County Volusia
Signature of Clerkand said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims
of all persons whomsoever.

* "Grantor" and "grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.
Signed, sealed and delivered in our presence:W. E. Foster
Barbara E. Bennett

John A. Stuprich (Seal)

Catherine E. Stuprich (Seal)

Catherine E. Stuprich (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIAI HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

JOHN A. STUPRICH and CATHERINE E. STUPRICH

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August
1983.

My commission expires:

Barbara E. Bennett
Notary PublicNotary Public, State of Florida
My Commission Expires April 21, 1984

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

GENERAL REQUIREMENTS

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).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

DIVISION 3. - ABATEMENT OF UNSAFE STRUCTURES

Sec. 42-106. - Purpose.

The intent and purpose of this division is to protect the health, safety, morals and welfare of all the people of the City of Port Orange by establishing standards governing the abatement of unsafe structures; authorizing and establishing procedures for the demolition of the same and setting forth a procedure for the enforcement of this division by ordering the abatement of structures found unsafe. This division is hereby declared to be remedial and essential to the public interest, and it is intended that this division be liberally construed to effectuate the purposes as stated above.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-107. - Inspections.

The building official, or his or her designee, shall have the authority to inspect any structure for the purpose of determining whether the same is unsafe based on the conditions set forth herein. The building official, or his or her designee, is authorized to utilize the services of private engineers, architects or other professionals in order to determine the condition of the structure in question.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-108. - Unsafe conditions; nuisance.

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- (4)

The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

- (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
- (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
- (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-109. - Notice of violation and notice of hearing.

When the building official, or his or her designee, verifies the existence of a structure which is unsafe, an initial notice of violation and notice of hearing shall be provided to the owner of record and other known interested parties as set forth in section 42-110. Said notice shall describe the condition(s) found by the building official, or his or her designee, and relied upon in determining the structure is unsafe and state the requirements to secure and repair, or demolish the structure within a reasonable period of time along with a notice informing all interested parties of the date, time and location of the hearing before the special magistrate which may result in an order requiring the property owner or city to demolish the structure(s) on the property with any costs therefor being assessed against the property and constituting a lien thereon.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-110. - Manner of serving notice.

- (a) For the purpose of providing notice, interested parties shall be the owner of the property as shown on the county tax rolls, other persons whose names appear on the county tax rolls as having an interest in the property, and the tenant or occupant, if any, of the property, as well as other persons of record interest, which may include the mortgagee, contract purchaser (if known), agent with power of attorney, and any person claiming an interest under a lis pendens.
- (b)

Ten days or more prior to the hearing before the special magistrate, the notice of violation and notice of hearing shall be posted on the front of the property and shall be delivered to the interested parties either:

- (1) By personally delivering a copy thereof to the party to be notified;
- (2) By leaving such copy at such person's usual place of residence with some person of the household above 15 years of age and informing such person of the contents thereof; or
- (3) By standard United States mail and either registered or certified United States mail with return receipt requested.

If the name of any interested party or their place of residence or their post office address cannot be ascertained after diligent search or in the event a notice sent by either registered or certified mail shall be returned undelivered, notice shall be given by publishing a copy thereof two times in a newspaper of general circulation in the city as set forth in subsection (d) of this section and, if the name of such interested party is known, mailing a copy thereof to such person's last known address, if known.

- (c) A copy of such notice of violation and notice of hearing shall be posted in a conspicuous place at city hall.
- (d) If publication of notice is made, a notice of notice of violation and notice of hearing shall be published on two different days in a newspaper of general circulation in the city and the last publication of such notice shall be not less than ten days prior to the date of hearing.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-111. - Hearing and authority to order secure and repair or demolition.

- (a) In any hearing before the special magistrate pursuant to this division, formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of the state. Each interested party shall have the right to appear in person, by legal counsel or by an agent, to call and examine witnesses under oath, to introduce documentary evidence or exhibits, to cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination, to impeach any witness regardless of which party first called him to testify, and to submit rebuttal evidence.

- (b) Upon substantial competent evidence, the special magistrate may render his or her order requiring the owner to secure and repair, or cause to be demolished, the structure(s) which have been established as unsafe within a reasonable period of time not less than 30 days from the date of the order, and provide authority for the city to take the necessary steps to abate the condition(s) in the event the owner fails to do so and charging all expenses of the abatement against the property in accordance with this division. The order may also require vacating of the property if such action is necessary and has not already been accomplished.
- (c) All unsafe structures which have been secured as a result of an order to secure and repair shall be subject to inspection and the owner of the structure shall be assessed a fee for each and every such inspection. For the purpose of ensuring that the vacant and unfit or unsafe structure is locked and/or secured, inspections shall be conducted no less frequently than at 30-day intervals and the following fee collected in the manner provided by this division for each and every inspection conducted.
 - (1) Residential, commercial, institutional and industrial structures, per structure: \$50.00.
 - (2) Other structures (detached garages, accessory buildings, etc.), per structure: \$25.00.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-112. - Appeal procedure.

An aggrieved party, including the city, may appeal a final administrative order of the special magistrate to the circuit court in Volusia County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-113. - Condition of lot after demolition.

A lot from which a structure is demolished shall be properly filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition. The lot shall comply with the established vegetation standards of the city.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-114. - Assessment of cost of demolition; lien on property.

- (a)

Upon expiration of the 30-day right of appeal to the circuit court with no appeal having been taken, or, if appeal is taken, expiration of the 30-day period following the 30-day period for filing a claim of appeal to the district court of appeal, or following an emergency demolition authorized and conducted in accordance with section 42-115, unless otherwise ordered by a court of competent jurisdiction, the city manager or his or her designee, after proceeding under this division, shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred by recording a lien. The costs which may be assessed include the cost of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before the special magistrate and the lien recording and releasing fee), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the city, including attorney's fees and costs. Such costs when assessed shall constitute a lien upon such property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

- (b) In those instances where the owner has repaired, secured or demolished a structure or caused such work to be done as the result of having been determined to be in violation of this division, all costs described in subsection (a) of this section reasonably and necessarily incurred by the city shall be assessed against the property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.
- (c) The city shall record a notice of lien in the public records of Volusia County. The notice of lien shall show the nature of such lien, the amount thereof, the names of persons having an ownership or other property interest of record and an accurate legal description of the property, which lien shall date from the date of recording of the notice of lien. Such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

Sec. 42-115. - Emergency condemnations, authority to take action; lien on property.

- (a) In cases where there is imminent peril to the public safety or general welfare or immediate danger to the life or safety of any person or where the public is endangered by weather conditions, fire, other natural disasters or the particular location of the subject property, unless an unfit or unsafe structure is immediately repaired, demolished, or removed, the city

manager or his or her designee shall promptly cause such structure to be made safe or removed. For this purpose the city manager or his or her designee may at once enter such a structure or land on which it stands, or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.

- (b) Upon inspection, the city manager or his or her designee shall determine whether or not the structure requires immediate emergency demolition in order to maintain the safety and welfare of the owner, tenants, or public. A written report will document results of these inspections. Exterior and interior photographs of the building, structure, or portion thereof will be taken when feasible.
- (c) The city manager or his or her designee may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close any public or private way.
- (d) If the city manager or his or her designee determines that sufficient time exists, prior to demolition, to reasonably and safely serve a notice of intent to demolish, it will be sent via priority mail or courier delivery and by attempting to telephone the owner or interested parties (if listed in the current phone directory) giving notice of the emergency demolition. This written notification must state the findings of the city manager or his or her designee, documenting cause for demolition or removal. Where the owner or other interested party fails to take immediate corrective action as ordered by the city manager or his or her designee, the city manager or his or her designee shall have the authority to promptly proceed with the abatement of the unsafe structure in accordance with this division. Failure to effect personal notice upon the individual owner or interested parties shall not prevent the city from performing the emergency demolition or removal and assessing a lien on the property. All costs incurred in the evaluation, vacation, securing and emergency demolition are the responsibility of the property owner, and the city manager shall place a lien on the property as set forth in section 42-114.

(Ord. No. 2015-37, § 1, 11-3-2015)

Case Cost Sheet Log

Case No. 16-1247

Name	Activity	Activity_Date	Status	Cost
James E. Redmond (these costs were included in the Order Imposing Fine/Lien dated November 9, 2016)	Costs to mail Notice of Repeat Violation/Notice of Hearings to 5400 Turton Lane, Port Orange, FL 32127	08/29/2016	Certified mail returned "Unclaimed"; regular mail was not returned	\$0.00
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law, and Order	12/14/2016		\$27.00
James E. Redmond	Costs to mail Finding of Fact, Conclusion of Law, & Order to 5400 Turton Lane, Port Orange, FL 32127	12/14/2016		\$7.09

Total: 34.09



**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: _____

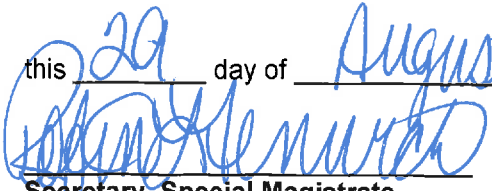
Time: 3:45 pm

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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[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 ~~North~~ ^{NORTHERLY} 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

Judith L. Raske (Seal)

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

William J. Pearson (Seal)

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.

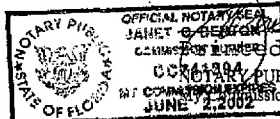
This Document Prepared By:

ROBERT KIT KOREY, ESQ.

JANET C. BENTON, REAL ESTATE ASSIST.

SUITE A 595 WEST GRANADA BLVD.

ORMOND BEACH, FL 32174



Name:

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.

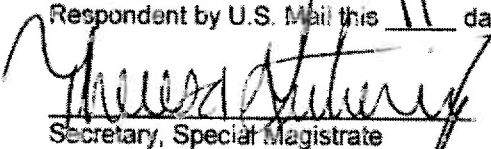
DONE AND ORDERED the 11th day of March, 2015, in the City of Port Orange, Volusia County, Florida.

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

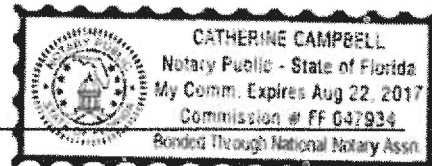
The foregoing instrument was acknowledged before me

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

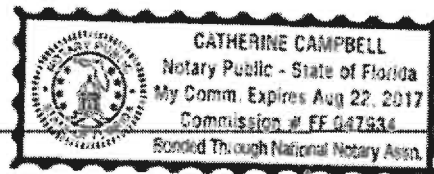
Before me, the undersigned authority, personally appeared Amanda Bonin, the Code Compliance Inspector identified in the foregoing Affidavit of Compliance; who acknowledged before me that she executed the foregoing instrument for the purposes expressed therein.

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

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE 386-506-5500
FAX 386-756-5290
www.Port-Orange.org

October 25, 2016

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

Re: CEB Case No. 16-1247

Dear Mr. Redmond:

You are hereby notified that the above referenced case has been scheduled for a Code Enforcement Special Magistrate hearing on Wednesday, December 14, 2016 at 9:00 a.m. Items #2 and #3 as listed on the Notice of Repeat Violation and Notice of Hearings will be heard at this time. A copy of said Notice is attached for your convenience.

In addition, please be advised that Item #1 on the attached Notice is still scheduled to be heard on Wednesday, November 9, 2016 at 9:00 a.m. as originally noticed.

Both hearings will be held in City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida

Should you have any questions regarding this, please contact Deborah Faircloth, Code Compliance Inspector at (386) 506-5641.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Chris Hutchison, Code Compliance Supervisor

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		\$18.50
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
Clerk of Court	Fee to record Order Setting Fine/Lien & Affidavit of Non-Compliance	12/14/2016		\$44.00
Pro Tax Financial LLC	Cost to mail Order Setting Fine/Lien to 360 S. Technology Court Suite 100, Lindon, UT 84042 (via certified & regular)	12/14/2016		\$7.34
Clerk of Court	Fee to record Affidavit of Compliance	12/14/2016		\$18.50

Total: 103.02



**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.

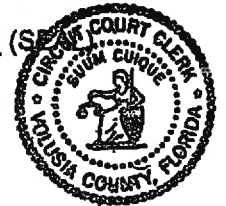
The lands described below, including any inherited property, buildings, fixtures, and improvements of any kind and description, situated in this County and State.

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1538**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Pro Tax Financial, LLC
118 Carlton Place, Port Orange, FL 32127
PARCEL ID: 6310-16-02-0080

Recorded in the Public Records:
Instrument # 2016 207 575 11-10-16 @ 11:20 a.m.
Book:7324 Page: 987

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 November 9, 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), Pro Tax Financial, LLC, (hereinafter referred to as "Respondent(s)", whose mailing address is 360 S. Technology Court Suite 100, Lindon, UT 84042, is/are the owner(s) of the property located at 118 Carlton Place, Port Orange, FL 32127, and more particularly described as:

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

B. The property is overgrown and needs to be mowed and trees pruned to the street, as well as trash and debris removal from the property. This condition was first observed at the real property described above on September 14, 2016; re-inspection was made on September 27, 2016 and confirmed the condition as being the same. Respondent(s) received notice via regular and certified mail and posting at City Hall on September 29, 2016 and was posted on the property on September 28, 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), and was to be corrected by October 14, 2016.

C. At the time of this hearing, 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), 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:

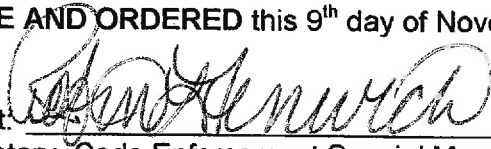
A. Respondent(s) shall correct the aforesaid violation by mowing and maintaining the entire property to the street and cutting back and pruning trees affecting the right-of-way on or before November 16, 2016 ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$100.00 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 \$41.68 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.

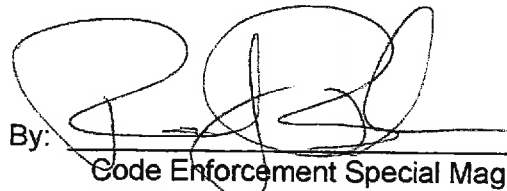
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 9th day of November, 2016.

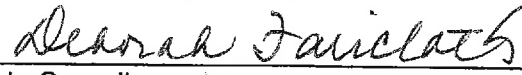
Attest:


Secretary, Code Enforcement Special Magistrate

By:


Code Enforcement Special Magistrate

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


Code Compliance Inspector

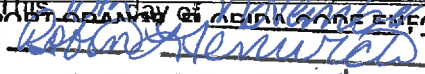
I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Pro Tax Financial, LLC, 360 S. Technology Court Suite 100, Lindon, UT 84042 by Certified and Regular Mail this 10th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA

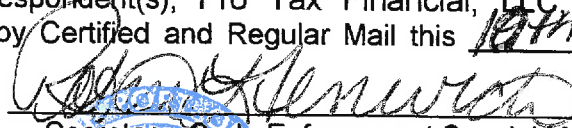
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

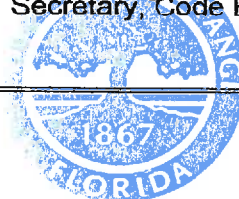
This document has/has not been redacted pursuant to Florida Law.

By:


CITY OF PORT ORANGE, FLORIDA

/s/ Robin L. Fenwick


Secretary, Code Enforcement Special Magistrate



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		\$18.50
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
Clerk of Court	Fee to record Order Setting Fine/Lien	12/14/2016		\$44.00
Jaqueline M. & Donald A Acosta	Cost to mail Order Imposing Fine/Lien to 825 Upland Drive, Port Orange, FL 32127 (via certified & regular)	12/14/2016		\$14.68

Total: 106.54



**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.

Robert H. Hensworth
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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[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											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
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 13th day of November, 2006, by STEPNIAK & WRENN, P.A. a Corporation, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

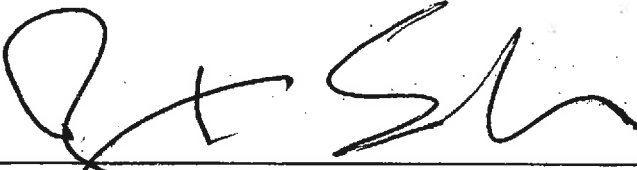
NOW THEREFORE, Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has 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

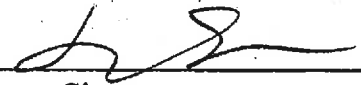
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

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

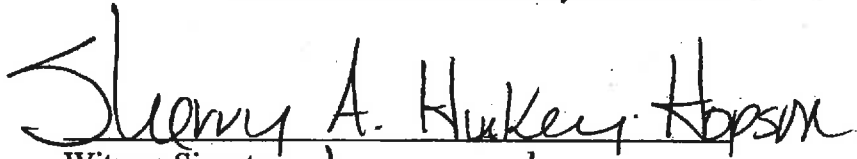


Grantor

WITNESSES:



Witness Signature
Print Name: Jane Stepniak



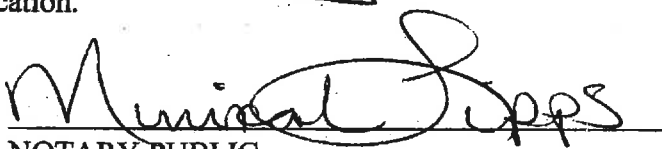
Witness Signature
Print Name: Sherry A. Huskey
Hopsom

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. 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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1612**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2016 207 576 11-10-16 @ 11:20 a.m.
Book:7324 Page: 989

Petitioner,

Jaqueline M. & Donald A. Acosta
825 Upland Drive, Port Orange, FL 32127
PARCEL ID: 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 November 9, 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), Jaqueline M. & Donald A. Acosta, (hereinafter referred to as "Respondent(s)", 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 PER OF 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

B. The property is overgrown and needs to be completely mowed and high weeds trimmed. This condition was first observed at the real property described above on September 27, 2016; re-inspection was made on November 8, 2016 and confirmed the condition as being the same. Respondent(s) received notice via regular and certified mail on October 5, 2016, posting of the property on September 29, 2016 and posting at City Hall on October 5, 2016, that the aforesaid conditions constituted a repeat 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) Maintenance of Improved Residential Lots, and was to be corrected immediately.

C. At the time of this hearing, 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), 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.

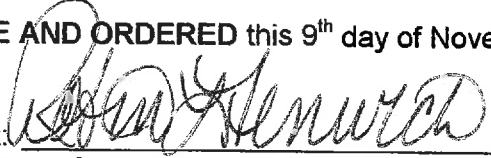
ORDER:

A. Respondent(s) shall correct the aforesaid repeat violation by mowing the entire property and trimming all high weeds, as well as maintaining the property on or before November 18, 2016. In the event that the property is not brought into compliance on or before November 18, 2016, and/or not maintained in a state of compliance, the City shall have the option of abating the repeat violation as this is a health, safety and welfare violation. Notice of the repeat 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 \$56.36 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.

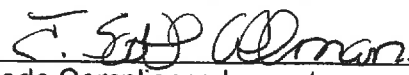
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 9th day of November, 2016.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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

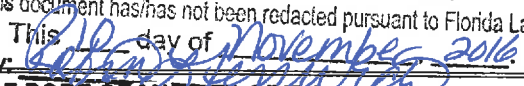

Code Compliance Inspector

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), Jaqueline M. & Donald A. Acosta, 825 Upland Drive, Port Orange, FL 32127 by Certified and Regular Mail this 10th day of November, 2016.

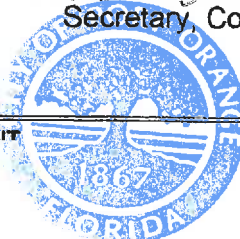
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

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

This 10th day of November, 2016.

By: 
CITY OF PORT ORANGE, FLORIDA - CODE ENFORCEMENT

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 16-1498

Name	Activity	Activity_Date	Status	Cost
Jaqueline M. & Donald A. Acosta	Cost to mail Notice of Violation/Notice of Hearing to each Respondent via regular and certified mail	09/12/2016	Certified mail returned unclaimed	\$14.68
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	10/19/2016		\$18.50
Jaqueline M. & Donald A. Acosta	Cost to mail Finding of Fact, Conclusion of Law & Order via regular and certified mail	10/19/2016	Regular mailings were not returned; certified mailings were "unclaimed/unable to forward"	\$13.84
Clerk of Court	Fee to record Order Imposing Fine/Lien	12/14/2016		\$44.00
Jaqueline M. & Donald A. Acosta	Cost to mail Order Imposing Fine/Lien to 825 Uplandd Drive, Port Orange, FL 32127 (via regular and certified mail)	12/14/2016		\$13.84

Total: 104.86



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1498

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 8, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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

1. 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.
 - An inspection of the property was conducted on September 8, 2016. I observed an unsanitary pool with a thick layer of green algae covering the top. A violation of the above stated ordinance was previously found in Case # 13-1335. See attached Finding of Fact and Conclusion of Law. To correct the repeat violation, the pool must be cleaned and maintained or properly covered with a hard cover.

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** October 12, 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 October 12, 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 10th 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 10th day of September, 2016.

Time: 10:30 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 12th day of Sept., 2016.

[Signature]
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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[Estimate of Taxes](#)

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

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 13th day of November, 2006, by STEPNIAK & WRENN, P.A. a Corporation, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

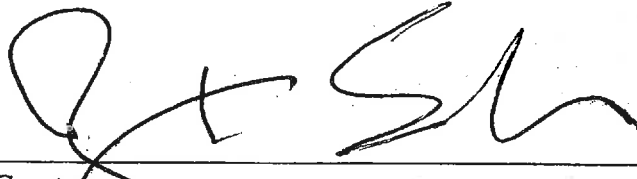
NOW THEREFORE, Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has 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**

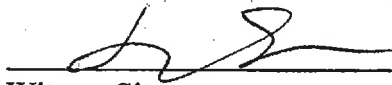
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

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

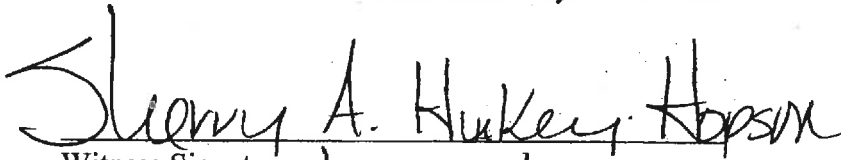


Grantor

WITNESSES:



Witness Signature
Print Name: Jane Stepniak



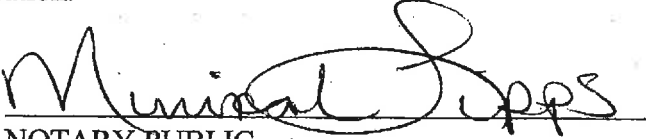
Witness Signature
Print Name: Sherry A. Huskey
Hopson

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

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 13-1335**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

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

Respondents.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 23, 2013, after due notice to the Respondents, 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. Respondents, Jacqueline & Donald Acosta, whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is the owners 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

B. The condition of the fence having missing pickets that need to be replaced and the possibility of the need to replace some posts that may be rotten. The swimming pool is green and not being maintained. The Screen enclosure is missing screens and does not prevent access. There needs to be a lock on gate(s) into back yard to prevent access until pool enclosure is repaired, was first observed at the real property described above on May 24, 2013; re-inspections made on September 23, 2013, confirmed the condition as being the same. The most recent inspection was on October 15, 2013 and October 22, 2013 resulting in non-compliance. Respondents, Jacqueline & Donald Acosta, received notice via certified mail on September 20, 2013, that the aforesaid conditions constituted a violation of the CITY OF PORT ORANGE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 3: FENCES & WALLS,(b) General Provisions, (4) Design and Maintenance,(b)(d)(f). All fencing, wood or chain link, must be maintained in its original upright condition. Any missing or broken pickets must be replaced and all gates and latches must operate as they were designed. 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS, 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...No existing Pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Pool enclosure structure must be repaired and screens installed, and were to be corrected by October 4, 2013.

C. At the time of the hearing on October 23, 2013, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondents, Jacqueline & Donald Acosta, by reason of the foregoing, has violated the CITY OF PORT ORANGE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 3: FENCES & WALLS, (b) General Provisions, (4) Design and Maintenance, (b)(d)(f). All fencing, wood or chain link, must be maintained in its original upright condition. Any missing or broken pickets must be replaced and all gates and latches must operate as they were designed. 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS, 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... No existing Pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Pool enclosure structure must be repaired and screens installed, in that the respondent failed, on or before the date set in the notice of violation, to remedy the condition of the fence having missing pickets that need to be replaced and the possibility of the need to replace some posts that may be rotten. The swimming pool is green and not being maintained. The Screen enclosure is missing screens and does not prevent access. There needs to be a lock on gate(s) into back yard to prevent access until pool enclosure is repaired, and is therefore subject to the provisions of Chapter 162, Florida Statutes (2011).

ORDER:

A. Respondents shall correct the aforesaid violation by repairing fencing and screened pool enclosure, cleaning/sanitizing pool and maintaining this property in compliance on or before November 8, 2013. In the event that the property is not brought into compliance on or before November 8, 2013, a fine of **\$100.00** per day shall be imposed for each day the violation continues past November 8, 2013 and run until the property is brought into compliance. The City shall have the option to abate the violation and future violations of the same ordinances, as long as the property is legally owned by Jacqueline & Donald Acosta and lien the property for the total cost of the abatement. 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 \$13.02 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.

B. In the event that the Respondents complete the requirements listed above, Respondents shall request a re-inspection by the Code Compliance Inspector to determine whether the violation has been brought into compliance.

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 Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Section 162.07, Florida Statutes (2011).

DONE AND ORDERED this 23 day of October, 2013.

Attest: *Theresa Gutierrez*
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 Respondents Jacqueline & Donald Acosta at 825 Upland Drive, Port Orange, FL 32127, by Certified and Regular U.S. Mail this 24th day of October, 2013.

Theresa Gutierrez
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 24th day of October, 2013.
By: *[Signature]*

CITY CLERK

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1498

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JAQUELINE M. & DONALD A. ACOSTA
825 UPLAND DRIVE
PORT ORANGE, FL 32127
PARCEL ID #6321-04-00-1150

Recorded in the Public Records:
Instrument #2016 192 109 10-19-16 @ 03:00 p.m.
Book: 7315 Page: 2379

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 October 19, 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), Jaqueline M. & Donald A. Acosta, (hereinafter referred to as "Respondent(s)", 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 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5852 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

B. The swimming pool is unsanitary with a thick layer of green algae covering the top. This condition was first observed at the real property described above on September 8, 2016. Respondent(s) received notice via posting on the property on September 10, 2016, as well as certified and regular mail and posting at City Hall on September 12, 2016, that the aforesaid conditions constituted a repeat violation of 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 was to be corrected by October 12, 2016.

C. At the time of this hearing, 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), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed 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 repeat violation by this ORDER immediately. In the event that the property is not brought into compliance immediately by cleaning and maintaining the pool in a good and sanitary condition or by installing a hard cover, the City shall have the option of abating the repeat violation as this is a health, safety and welfare violation. Notice of the repeat 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 \$55.52 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 19th day of October, 2016.

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 19 day of October, 2016.

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 19 day of October, 2016.
By: [Signature]

[Signature]
Secretary, Code Enforcement Special Magistrate



Case Cost Sheet Log

Case No. 16-1324

Name	Activity	Activity_Date	Status	Cost
HSBC Bank Nat'l Assoc TR	Costs to mail Notice of Violation/Notice of Hearings to HSBC Bank, c/o Carrington Mtg Services & CT Corporation System, RA	09/26/2016	Green card received from CT Corporation dated 9/28/16; nothing from HSBC Bank	\$14.68
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	10/26/2016		\$27.00
HSBC Bank Nat'l Assoc TR	Costs to mail Finding of Fact, Conclusion of Law & Order to HSBC Bank, c/o Carrington Mtg Services & CT Corporation System, RA (Certified & Regular)	10/26/2016	Both green cards were signed for on 10/31/16	\$14.26
Clerk of Court	Fee to record Order Imposing Fine/Lien	12/14/2016		\$44.00
HSBC Bank Nat'l Assoc TR	Cost to mail Order Imposing Fine/Lien and Affidavit of Non-Compliance	12/14/2016		\$14.68

Total: 114.62



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1324

To: HSBC Bank Natl Assoc Tr,
% Carrington Mtg Services LLC
1600 S. Douglas Rd, Suite 200-A
Anaheim, CA 92806

C/O CT Corporation System
Registered Agent
1200 South Pine Island Road
Plantation, FL 33324

Re: 6716 Merryvale Ln
Port Orange, FL 32128

Parcel ID: 6331-16-00-6720

LEGAL DESCRIPTION: LOT 672 WATERS EDGE PHASE VI MB 48 PGS 196-200 INC PER OR 5871 PG 0624 PER
OR 7197 PG 4991

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 9, 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 10 days to correct. A re-inspection was done on August 25, 2016 and September 15, 2016 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 21, 2016.

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

1. 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.
 - An inspection of the property was conducted on August 9, 2016. During that inspection, I observed a pool in the back yard that is not being maintained. I contacted Carrington Services and spoke with Vanessa and M.J. and notified them of the violations. They were given two weeks for compliance. A re-inspection was conducted on August 25, 2016 which revealed non-compliance. I contacted Adam with Carrington who could not find where any work orders had been issued for the correction of the violations. Adam requested more time which was granted and I e-mailed him a detailed list of what needed to be done at the property. A second re-inspection was conducted on September 15, 2016 which again revealed non-compliance. To correct the violation, the pool must be maintained in a clean and sanitary condition or properly covered.
2. 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.
 - An inspection of the property was conducted on August 9, 2016. During that inspection, I observed high weeds and grass. I contacted Carrington Services and spoke with Vanessa and M.J. and notified them of the violations. They were given two weeks for compliance. A re-inspection was conducted on August 25, 2016

which revealed non-compliance. I contacted Adam with Carrington who could not find where any work orders had been issued for the correction of the violations. Adam requested more time which was granted and I e-mailed him a detailed list of what needed to be done at the property. A second re-inspection was conducted on September 15, 2016 which again revealed non-compliance. To correct the violation, the entire 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 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** October 26, 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 October 26, 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 23rd 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 HSBC Bank Natl Assoc Tr, Carrington Mtg Services LLC, 1600 S. Douglas Rd, Suite 200-A, Anaheim, CA 92806, C/O CT Corporation System (Registered Agent), 1200 South Pine Island Road, Plantation, FL 33324, RE: 6716 Merryvale Ln, Port Orange, FL 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 23rd day of September, 2016.

Time: approx. 12:45 pm

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 HSBC Bank Natl Assoc Tr, Carrington Mtg Services LLC, 1600 S. Douglas Rd, Suite 200-A, Anaheim, CA 92806, C/O CT Corporation System (Registered Agent), 1200 South Pine Island Road, Plantation, FL 33324, RE: 6716 Merryvale Ln, Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 26 day of Sept., 2016.

John K. Krumholz
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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[Estimate of Taxes](#)

Parcel Information: 6331-16-00-6720 **2016 Preliminary Tax Roll** Last Updated: 09-18-2016

Owner Name and Address

Alternate Key	6086486	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6331-16-00-6720	Mill Group	602 Port Orange
Full Parcel ID	31-16-33-16-00-6720	2015 Final Mill Rate	22.54410
Created Date	19 APR 2002		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	HSBC BANK USA NATL ASSOC TR		
Owner Name/Address 1	% CARRINGTON MTG SERVICES LLC		
Owner Address 2	1600 S DOUGLAS RD STE 200-A		
Owner Address 3	ANAHEIM CA		
Owner Zip/Postal Code	92806		
Situs Address	6716 MERRYVALE LN PORT ORANGE 32128		

Legal Description
LOT 672 WATERS EDGE PHASE VI MB 48 PGS 196-200 INC PER OR 5871 PG 0624 PER OR 7197 PG 4991

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7197	4991	12/2015	Certificate of Title	Government acquisition	Yes	420,100
5871	0624	06/2006	Warranty Deed	Qualified Sale	Yes	622,843

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	43,000	327,817	34,330	405,147	405,147	405,147	0	405,147	0	405,147
2014	43,000	322,091	32,935	398,026	398,026	397,212	0	398,026	0	397,212

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0136	IMP CANAL 1	90.0	163.0	1.00	LOT	43000.00	100	100	100	100	43,000
Neighborhood 4966 WATERS EDGE PH VI MB 48 PG 196											
Total Land Classified											0
Total Land Just											43,000

Building Characteristics

Building Number: 204786 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
204786	Single Family	315	2006	450		2%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	5	4 Fixture Bath		
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	2	5 Fixture Bath		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	1	6 Fixture Bath		
Heat Type2		Heat Source2			3 Fixture Bath	4	7 Fixture Bath		
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		

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	2006	N	0%	0%	2856 Sq. Feet
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	2006	N	0%	0%	473 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	2006	N	0%	0%	804 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	2006	N	0%	0%	198 Sq. Feet
005	Porch, Open Finished (FOP)	Non-Applicable	1.0	2006	N	0%	0%	130 Sq. Feet
006	Upper Story, Finished (FUS)	TILE OR WD FR STUCCO	1.0	2006	N	0%	0%	790 Sq. Feet

7

12/21/2015 04:34 AM
Instrument# 2015-234697 # 1
Book: 7197
Page: 4991
Diane M. Matousek
Volusia County, Clerk of Court

**In The Circuit Court, Seventh Judicial Circuit
In And For Volusia County, Florida**

HSBC BANK USA, NATIONAL ASSOCIATION, ETC
Plaintiff(s)

Case No. 2011 32722 CICI
Div.

VS.

ANDREA J LUNT, ET AL
Defendant(s)

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that a Certificate of Sale has been filed in this action and on the 18th day of December, 2015 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Volusia County, Florida:

**LOT 672, WATER'S EDGE, PHASE VI, ACCORDING TO PLAT THEREOF AS
RECORDED IN MAP BOOK 48, PAGE 196 THROUGH 200, INCLUSIVE, OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.**

Property address: 6716 Merryvale Lane, Port Orange, FL 32128

FILED
DEC 18 2015
CLERK OF THE CIRCUIT COURT
VOLUSIA COUNTY, FLORIDA
CC 64

was sold to and the Certificate of Title is hereby issued to:

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR CARRINGTON MORTGAGE LEND TRUST,
SERIES 2007-HE1 ASSET-BACKED PASS-THROUGH CERTIFICATES

whose address is: C/O Carrington Mortgage Services, LLC 1600 South Douglas Road, Suite 200-A Anaheim, CA,
92806

Witness my hand and seal on 18th day of December, 2015 in Volusia County, Florida.



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

By:

Ava Skeel
Deputy Clerk /s/ Ava Skeel

Sale Amt. \$420,100.00 D/S \$2,940.70 Parcel ID # 31-16-33-16-00-6720

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS**Detail by Entity Name****Foreign Limited Liability Company**

CARRINGTON MORTGAGE SERVICES, LLC

Filing Information**Document Number** M07000002416**FEI/EIN Number** 20-8745846**Date Filed** 04/26/2007**State** DE**Status** ACTIVE**Principal Address**1600 S. Douglass Road
STE 200-A & STE 110
Anaheim, CA 92806

Changed: 12/15/2015

Mailing Address1600 S. Douglass Road
STE 200-A & STE 110
Anaheim, CA 92806

Changed: 12/15/2015

Registered Agent Name & AddressCT CORPORATION SYSTEM
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324**Authorized Person(s) Detail****Name & Address**

Title MGRM

CARRINGTON MORTGAGE HOLDINGS, LLC
1600 S. Douglass Rd., STE 200-A & 110
Anaheim, CA 92806

Title CSO

FULCO, DARREN ACOO
1600 S. Douglass Rd., STE 200-A & 110
Anaheim, CA 92806

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)

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 rein-festation.

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1324**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

HSBC BANK NATL ASSOC TR
C/O CARRINGTON MTG SERVICES LLC
6716 MERRYVALE LANE
PORT ORANGE, FL 32128
PARCEL ID: 6331-16-00-6720

Recorded in the Public Records:
Instrument #2016 197 027 10-26-16
Book: 7318 Page: 1302

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 October 26, 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), HSBC BANK NATL ASSOC TR C/O CARRINGTON MTG SERVICES LLC, (hereinafter referred to as "Respondent(s)", whose mailing address is 1600 S. Douglas Road, Suite 200-A, Anaheim, CA 92806, is/are the owner(s) of the property located at 6716 Merryvale Lane, Port Orange, FL 32128, and more particularly described as:

LOT 672 WATERS EDGE PHASE VI MB 48 PGS 196-200 INC PER OR 5871 PG 0624 PER OR 7197
PG 4991

B. The pool in the back yard is not being maintained and must be cleaned and remain in a clean and sanitary condition or properly covered. High weeds and grass were also noted and need to be corrected by mowing the entire property and trimming all high weeds. This condition was first observed at the real property described above on August 9, 2016; re-inspections were made on August 25, 2016 and September 15, 2016 and confirmed the condition as being the same. Respondent(s) received notice via property posting on September 23, 2016, as well as posting at City Hall and certified mail on September 26, 2016, that the aforesaid conditions constituted a violation of 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 42-26, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots, and was to be corrected by October 21, 2016.

C. At the time of this hearing, 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), 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.

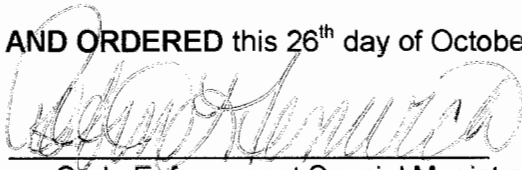
ORDER:

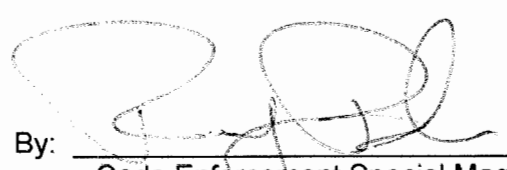
A. Respondent(s) shall correct the aforesaid violation by cleaning and maintaining the pool in a clean and sanitary condition or properly covering the pool, as well as by mowing the entire property and trimming all high weeds on or before November 27, 2016. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$100.00 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 \$53.68 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 26th day of October, 2016.

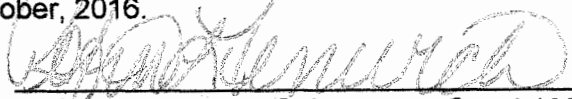
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


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), HSBC BANK NATL ASSOC TR C/O CARRINGTON MTG SERVICES LLC , 1600 S. Douglas Road, Suite 200-A, Anaheim, CA 92806 by Certified and Regular Mail this 26 day of October, 2016.



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 26 day of October, 2016.
By: Robin L. Fenwick
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 15-1481

Name	Activity	Activity_Date	Status	Cost
Judith Anderson	Mailing Notice of Violations/Notice of Hearing to 101 Aloha Terrace, Port Orange, FL 32129	03/17/2016	Green card signed for and returned to the Clerk's Office on 3/22/16	\$9.75
Daytona Beach News-Journal	Publication for demolition	04/08/2016	Published on April 8 & 15, 2016	\$664.47
Clerk of Court	Recording Fees - Finding of Fact/Conclusion of Law & Order	05/11/2016		\$27.00
CitiFinancial Servicing, LLC	Mailing Finding of Fact, Conclusion of Law and Order to 300 St. Paul Place, Legal Dept 17th Floor, Baltimore, MD 21202	06/06/2016	Green card signed on June 16, 2016 by Robin Erickson	\$6.46
Judith Anderson	Mailing Notice of Violations/Notice of Hearing to 101 Aloha Terrace, Port Orange, FL 32129	07/14/2016	Returned unclaimed	\$7.34
CitiFinancial Servicing, LLC c/o The Corporation Trust Company, RA	Federal Express - Mailing Notice of Violations/Notice of Hearing to 1209 Orange Street, Wilmington, DE 19801	07/15/2016	Signed for on July 18, 2016 at 9:23 a.m.	\$11.70
Judith Anderson	Order mailed to Respondent to 101 Aloha Terrace, Port Orange, FL 32129 (certified & regular)	07/29/2016	No mail returned to the City Clerk	\$7.34
Citifinancial Servicing, LLC c/o The Corporation Trust Co, RA	Order mailed to 1209 Orange Street, Wilmington, DE 19801	07/29/2016	No mail returned to City Clerk	\$7.34
Citifinancial Servicing, LLC s/o CT Corporation System, RA	Order mailed to 1200 S. Pine Island Road, Plantation, FL 33324	07/29/2016	Green card signed for on 8/1/16	\$7.34
Citifinancial Servicing, LLC	Order mailed to 300 St. Paul Place, 17th Floor, Baltimore, MD 21202	07/29/2016	No mail returned to the City Clerk	\$7.34
Down to Earth Trucking, Inc.	Demolition of 156 Sand Pebble Circle	11/01/2016		\$5,717.25
Clerk of Court	Fees to record Order Imposing Fine/Lien & Affidavit of Non-Compliance	12/14/2016		\$44.00
Judith Anderson	Cost to mail Order Imposing Fine/Lien to 101 Aloha Terr, Port Orange, FL	12/14/2016		\$14.68

	32129 & CT Corporation System, RA, 1200 S. Pine Island Road, Plantation, FL 33324			
Judith Anderson	Order mailed to Respondent to 101 Aloha Terrace, Port Orange, FL 32129 (certified & regular)	08/17/2016		\$7.34
Citifinancial Servicing, LLC c/o The Corporation Trust Co, RA	Order mailed to 1209 Orange Street, Wilmington, DE 19801	08/17/2016		\$7.34
Citifinancial Servicing, LLC s/o CT Corporation System, RA	Order mailed to 1200 S. Pine Island Road, Plantation, FL 33324	08/17/2016		\$7.34
Citifinancial Servicing, LLC	Order mailed to 300 St. Paul Place, 17th Floor, Baltimore, MD 21202	08/17/2016		\$7.34

Total: 6561.37



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Re: 156 Sand Pebble Circle
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700

LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **August 24, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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: 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.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally – duty of owner), (f) Garbage, Waste, Trash, etc. Prohibited of the City of Port Orange Code of Ordinances: 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.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.5 (Dangerous Structure or Premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures), 108.6 (Abatement methods) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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:

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

Initial inspection conducted on **August 24, 2015** after receiving a complaint from several neighbors stating that the structure partially burnt down, and that they are very concerned. They stated that it is bringing their property values down and the smell and rodents are a big concern. Inspection revealed that the fire affected the rear of the structure. Home is not occupied. I am unsure whether or not the structure can be salvaged. In addition to the fire damage, there is a substantial amount of outside storage and garbage, trash and debris. The grass and weeds are very high and there is an unregistered/abandoned truck in the driveway. I left a 30 day door hanger informing residents that they must mow the entire property to include weeds in landscaped areas, remove or properly store all outside storage, remove all trash and debris, properly register, store, or cover inoperable/abandoned vehicle in the driveway, and properly secure the structure. I also asked that I be notified regarding whether or not the structure is due to be demolished. A re-inspection was conducted on **October 15, 2015** and none of the violations have been corrected and I have not been contacted by the owner of the property.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 14, 2016 by mowing entire property to include weeds in landscaped beds and around exterior of home and fence, removing all outside storage, and removing all garbage, trash and debris. The mobile home shall be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures.

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.

NOTE:

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. IF YOU DO NOT REQUEST A RE-INSPECTION, IT WILL BE ASSUMED THAT THE PROPERTY IS STILL IN VIOLATION AND THE CASE WILL CONTINUE TO BE HEARD AT THE SPECIAL MAGISTRATE MEETING ON THE DATE LISTED IN THIS NOTICE.

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 **Code Enforcement Special Magistrate on April 27, 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.

's 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 \$ 7.39 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 **April 27, 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 June 8, 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- 5645.

DATED this 14th day of March, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Judith Anderson, Property Owner, 101 Aloha Terrace Port Orange, FL 32129**, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of March, 2016.

Time: approx. 12:08 PM

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Judith Anderson, Property Owner, 101 Aloha Terrace, Port Orange, FL 32129**, was

☐ Posted at City Hall

☒ Sent via certified regular mail

this 17 day of March, 2016.

[Signature]
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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Parcel Information: 6305-03-00-1700 2016 Working Tax Roll Last Updated: 03-13-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	ANDERSON JUDITH A		
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128	0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397	0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860	1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

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	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet		Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type	Plywood Panel		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	Wd Conc Piers	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
006	Res BASE Area (BAS)	VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009	Unfinished Utility (UST)	Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010	Carport, Unfinished (UCP)	Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

WITNESSETH, That the said first party, for good consideration and for the sum of
Ten 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 there-
to in the County of Volusia, State of Florida to wit:

Lot 170 BAREFOOT PARK MB 31 Pg P 662 PER OR
3397. PG 0786 PER OR 5221 PG 0742
Parcel # 6306-03-00-1700

KNOWN as 156 SAND Pebble Circle, Ft Orange FL 32129



Signature of Witness

Myles Loller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P Phippen

Print name of First Party

Sarah P Phippen

Signature of First Party

SARAH P Phippen

Print name of First Party

State of Maryland }

County of Kent

On June 10, 2015 before me,

appeared Sarah P Phippen

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.

Karen J Zottarelli

Signature of Notary

Affiant ☒ Known

Type of ID

Produced ID

CO

(Seal)

State of

County of

On

before me,

appeared

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.

Signature of Notary

Affiant _____ Known _____ Produced ID

Type of ID

(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

Unique ID CF[REDACTED]CB
Official Unique Id CF[REDACTED]3

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: [Signature]

Nadine Homan
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

[Signature]
Danielle Burns

[Signature]
Susan Schotsch



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

[Signature]
Nicole Baldwin
Notary Public - State of FLORIDA
Commission expires: 08/05/2016



Nicole Baldwin
Notary Public State of Florida
My Commission # EE 222285
Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152
CF001 [REDACTED] *C* -- DEFAULT DOCR [REDACTED] [C-1] FRMFL1



D0012982291

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



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[International Property Maintenance Code
\[2012 \(Second Printing\) \]](#)

[Chapter 1 - Scope and Administration](#)

▪ [SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT](#)

[\[A\] 108.1 General.](#)

[\[A\] 108.2 Closing of vacant structures.](#)

[\[A\] 108.3 Notice.](#)

[\[A\] 108.4 Placarding.](#)

[\[A\] 108.5 Prohibited occupancy.](#)

[\[A\] 108.6 Abatement methods.](#)

[\[A\] 108.7 Record.](#)

[\[A\] 108.1 General.](#)

[\[A\] 108.2 Closing of vacant structures.](#)

[\[A\] 108.3 Notice.](#)

[\[A\] 108.4 Placarding.](#)

[\[A\] 108.5 Prohibited occupancy.](#)

[\[A\] 108.6 Abatement methods.](#)

[\[A\] 108.7 Record.](#)

[Top](#) [Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General.

When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] 108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] 108.1.3 Structure unfit for human occupancy.

A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure.

An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] 108.1.5 Dangerous structure or premises.

For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures.

If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities.

The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice.

Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding.

Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] 108.4.1 Placard removal.

The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] 108.5 Prohibited occupancy.

Any occupied structure *condemned* and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] 108.6 Abatement methods.

The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] 108.7 Record.

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

[Top Previous Section Next Section](#) To view the next subsection please select the Next Section option.

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[\[2012 \(Second Printing\) \]](#)

[Chapter 1 - Scope and Administration](#)

■ [SECTION 109 EMERGENCY MEASURES](#)

[\[A\] 109.1 Imminent danger.](#)

[\[A\] 109.2 Temporary safeguards.](#)

[\[A\] 109.3 Closing streets.](#)

[\[A\] 109.4 Emergency repairs.](#)

[\[A\] 109.5 Costs of emergency repairs.](#)

[\[A\] 109.6 Hearing.](#)

[\[A\] 109.1 Imminent danger.](#)

[\[A\] 109.2 Temporary safeguards.](#)

[\[A\] 109.3 Closing streets.](#)

[\[A\] 109.4 Emergency repairs.](#)

[\[A\] 109.5 Costs of emergency repairs.](#)

[\[A\] 109.6 Hearing.](#)

[Top Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger.

When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official*." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

[A] 109.3 Closing streets.

When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

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[Chapter 3 - General Requirements](#)

- [SECTION 301 GENERAL](#)
- [SECTION 302 EXTERIOR PROPERTY AREAS](#)
- [SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS](#)
- [SECTION 304 EXTERIOR STRUCTURE](#)
- [SECTION 305 INTERIOR STRUCTURE](#)
- [SECTION 306 COMPONENT SERVICEABILITY](#)
- [SECTION 307 HANDRAILS AND GUARDRAILS](#)
- [SECTION 308 RUBBISH AND GARBAGE](#)
- [SECTION 309 PEST ELIMINATION](#)

[302.1 Sanitation.](#)

[302.2 Grading and drainage.](#)

[302.3 Sidewalks and driveways.](#)

[302.4 Weeds.](#)

[302.5 Rodent harborage.](#)

[302.6 Exhaust vents.](#)

[302.7 Accessory structures.](#)

[302.8 Motor vehicles.](#)

[302.9 Defacement of property.](#)

[302.1 Sanitation.](#)

[302.2 Grading and drainage.](#)

[302.3 Sidewalks and driveways.](#)

[302.4 Weeds.](#)

[302.5 Rodent harborage.](#)

[302.6 Exhaust vents.](#)

[302.7 Accessory structures.](#)

[302.8 Motor vehicles.](#)

[302.9 Defacement of property.](#)

[Top Previous Section](#) [Next Section](#)

option.

To view the next subsection please select the Next Section

302.1 Sanitation.

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

[Top Previous Section](#) [Next Section](#)

option.

To view the next subsection please select the Next Section

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[304.13 Window, skylight and door frames.](#)

[304.14 Insect screens.](#)

[304.15 Doors.](#)

[304.16 Basement hatchways.](#)

[304.17 Guards for basement windows.](#)

[304.18 Building security.](#)

[304.19 Gates.](#)

[Top Previous Section Next Section](#) To view the next subsection please select the Next Section option.

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.

[Top Previous Section Next Section](#) To view the next subsection please select the Next Section option.

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[304.13 Window, skylight and door frames.](#)

[304.14 Insect screens.](#)

[304.15 Doors.](#)

[304.16 Basement hatchways.](#)

[304.17 Guards for basement windows.](#)

[304.18 Building security.](#)

[304.19 Gates.](#)

[Top Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

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. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

304.2 Protective treatment.

All 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. All 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. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all 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 a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural members.

All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls.

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions.

All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards.

Every handrail and *guard* shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing.

All glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows.

Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens.

During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with [Section 702.3](#).

304.16 Basement hatchways.

Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows.

Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security.

Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors.

Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows.

Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways.

Basement hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

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[Chapter 3 - General Requirements](#)

- [SECTION 301 GENERAL](#)
- [SECTION 302 EXTERIOR PROPERTY AREAS](#)
- [SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS](#)
- [SECTION 304 EXTERIOR STRUCTURE](#)
- [SECTION 305 INTERIOR STRUCTURE](#)
- [SECTION 306 COMPONENT SERVICEABILITY](#)
- [SECTION 307 HANDRAILS AND GUARDRAILS](#)
- [SECTION 308 RUBBISH AND GARBAGE](#)
- [SECTION 309 PEST ELIMINATION](#)

[305.1 General.](#)

[305.2 Structural members.](#)

[305.3 Interior surfaces.](#)

[305.4 Stairs and walking surfaces.](#)

[305.5 Handrails and guards.](#)

[305.6 Interior doors.](#)

[305.1 General.](#)

[305.2 Structural members.](#)

[305.3 Interior surfaces.](#)

[305.4 Stairs and walking surfaces.](#)

[305.5 Handrails and guards.](#)

[305.6 Interior doors.](#)

[Top](#) [Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

SECTION 305 INTERIOR STRUCTURE

305.1 General.

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 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:

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[Chapter 6 - Mechanical and Electrical](#)

[Requirements](#)

- [SECTION 601 GENERAL](#)
- [SECTION 602 HEATING FACILITIES](#)
- [SECTION 603 MECHANICAL EQUIPMENT](#)
- [SECTION 604 ELECTRICAL FACILITIES](#)
- [SECTION 605 ELECTRICAL EQUIPMENT](#)
- [SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS](#)
- [SECTION 607 DUCT SYSTEMS](#)

[604.1 Facilities required.](#)

[604.2 Service.](#)

[604.3 Electrical system hazards.](#)

[604.1 Facilities required.](#)

[604.2 Service.](#)

[604.3 Electrical system hazards.](#)

[Top](#) [Previous Section](#) [Next Section](#)

option.

To view the next subsection please select the Next Section

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and [Section 605](#).

604.2 Service.

The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

604.3 Electrical system hazards.

Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable,

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[Chapter 6 - Mechanical and Electrical](#)

[Requirements](#)

- [SECTION 601 GENERAL](#)
- [SECTION 602 HEATING FACILITIES](#)
- [SECTION 603 MECHANICAL EQUIPMENT](#)
- [SECTION 604 ELECTRICAL FACILITIES](#)
- [SECTION 605 ELECTRICAL EQUIPMENT](#)
- [SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS](#)
- [SECTION 607 DUCT SYSTEMS](#)

[605.1 Installation.](#)

[605.2 Receptacles.](#)

[605.3 Luminaires.](#)

[605.4 Wiring.](#)

[605.1 Installation.](#)

[605.2 Receptacles.](#)

[605.3 Luminaires.](#)

[605.4 Wiring.](#)

[Top](#) [Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation.

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles.

Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires.

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

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 April 27, 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), Judith Anderson, whose mailing address is 101 Aloha Terrace, Port Orange, FL 32129, is/are the owner(s) of the property located at 156 Sand Pebble Circle, Port Orange, FL 32129, and more particularly described as:

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742
PER OR 7128 PG 0843

B. The structure partially burnt down, there is outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck. This condition was first observed at the real property described above on August 24, 2015; re-inspections made on October 15, 2016 confirmed the condition as being the same. Respondent, Judith Anderson, received notice via regular and certified mail and posting at City Hall on March 17, 2016, as well as via posting on the property on March 14, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger). Chapter 3 (General Requirements), Section 302

(Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), 304.13 (Window, skylight and door frames), 304.15 (Doors), Section 305 (Interior Structure), 305.1 (General), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities) 604.1 (Facilities Required), Section 605 (Electrical Equipment) 605.1 (Installation), and was to be corrected by April 14, 2016.

C. At the time of the hearing on April 27, 2016, 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), Judith Anderson, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), Section 305 (Interior Structure), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), Section 605 (Electrical Equipment), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the structure being partially burnt down, there being outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

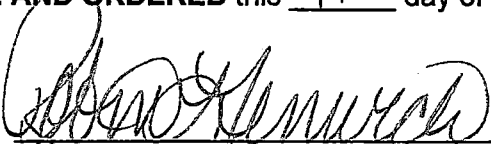
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition with the costs being assessed as a lien against the property. 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 \$707.68 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 11 day of May, 2016.

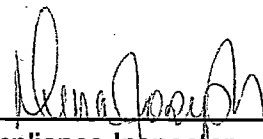
Attest:


Secretary, Code Enforcement Special Magistrate

By:

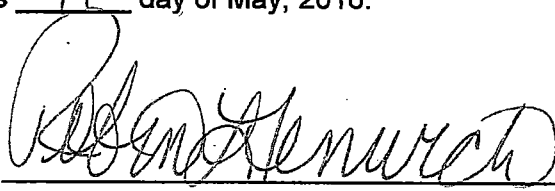

Code Enforcement Special Magistrate

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

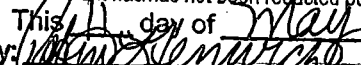

Code Compliance Inspector

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), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.




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.

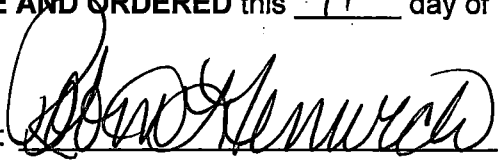
This 11 day of May, 2016.
By: 
/s/ Robin L. Fenwick

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.

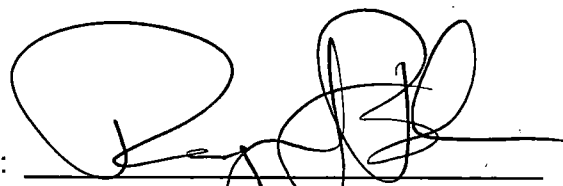
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 11 day of May, 2016.

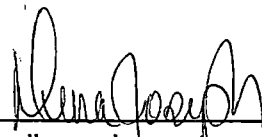
Attest:


Secretary, Code Enforcement Special Magistrate

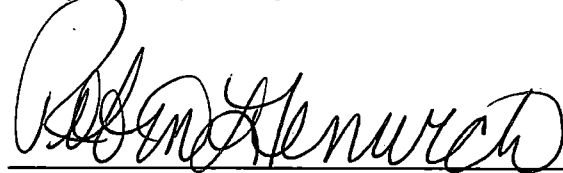
By:


Code Enforcement Special Magistrate

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


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), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.


Secretary, Code Enforcement Special Magistrate



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER
1209 ORANGE ST
WILMINGTON, DE 19801

Re: 156 Sand Pebble
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700

LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER
OR 7128 PG 0843

Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by the Building Official Kerry Leuzinger.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on August 24, 2015 indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations on March 14, 2016 and given 30 days to correct. A re-inspection was done on April 25, 2016 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 25, 2016**. Due to the nature of the violations dealing with the unsafe mobile home structure that was destroyed in a fire, this case is to be considered a health and safety hazard. The structure must be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of the City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures. If the violations are not corrected, the city reserves the right to demolish the structure and place a lien against the property for all costs of abatement.

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

1. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
2. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.5 (Dangerous Structure or Premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
3. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.3 of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
4. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:
 - (a) A structure is unsafe when any of the following conditions exist:
 - (1) The structure's interior walls or other structural members list, lean or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
 - (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purposes used.
 - (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety or the general health and welfare of people within or near the structure.
 - (4) The structure is so dilapidated, decayed, unsafe, insanitary or so utterly fails to provide the amenities essential to decent living that is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety or general welfare.
 - (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
 - (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
 - (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

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 July 27, 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.

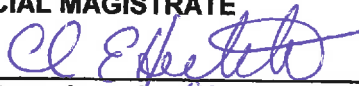
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 27, 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 **September 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) 506-5645.

DATED this 15th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
~~Dena Joseph~~ Chris Hutchison

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this _____ day of _____, 2016.

Time: approx. _____

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202 was

☒ Posted at City Hall

FedEx
☒ Sent via ~~certified~~ and regular

this 15 day of July, 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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Parcel Information: 6305-03-00-1700 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate		
Owner Name	ANDERSON JUDITH A	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128 0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397 0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860 1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

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	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	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	Wd Conc Piers	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
006 Res BASE Area (BAS)		VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009 Unfinished Utility (UST)		Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010 Carport, Unfinished (UCP)		Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

WITNESSETH, That the said first party, for good consideration and for the sum of
Ten 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 there-
to in the County of Volusia, State of Florida to wit:

Lot 170 Barefoot Park MB 31 Pg P 662 PER OR
3397 PG 0786 PER OR 5221 PG 0742
Parcel # 6305-03-00-1700

Known as 156 Sand Pebble Circle, Ft Orange FL 32129



Signature of Witness

Myles Liller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P. Phippen

Print name of First Party

Sarah P. Phippen

Signature of First Party

SARAH P. Phippen

Print name of First Party

State of Maryland

County of Kent

On June 10, 2015 before me,

appeared Sarah P. Phippen

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.

Karen J. Zottarelli

Signature of Notary

Affiant ☒ Known ☐ Produced ID ☐
Type of ID _____



State of _____

County of _____

On _____ before me,

appeared _____

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.

Signature of Notary

Affiant _____ Known _____ Produced ID _____

Type of ID _____
(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: [Signature]

Nadine Homan
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

[Signature]
Danielle Burns

[Signature]
Susan Schotsch

(Seal)



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

[Signature]
Nicole Baldwin
Notary Public - State of FLORIDA
Commission expires: 08/05/2016



Nicole Baldwin
Notary Public State of Florida
My Commission # EE 222285
Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152
CF001 [REDACTED] *C* -- DEFAULT DOCR T [REDACTED] [C-1] FRMFL1



D0012982291

[A] **107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] **107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] **107.6 Transfer of ownership.** It shall be unlawful for the owner of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] **108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

 [A] **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

 [A] **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] **108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

 [A] **108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

Sec. 42-108. - Unsafe conditions; nuisance.

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
- (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
- (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2015-37, § 1, 11-3-2015)

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

Respondent.

_____ /

**ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND
NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on July 27, 2016 and the Special Magistrate having previously entered its Findings of Fact, Conclusions of Law, and Order, attached hereto as Exhibit "A" and incorporated herein by reference, after public hearing on April 27, 2016 ("April 27 ORDER"), it is ordered as follows:

FINDINGS OF FACT:

A. The Special Magistrate April 27 ORDER directed Respondent JUDITH ANDERSON to, *inter alia*, correct all violations set forth in the April 27 ORDER on or before May 27, 2016.

B. The April 27 ORDER further held as follows:

In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, **the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition** with the costs being assessed as a lien against the property. (emphasis added).

C. On or about July 13, 2016, Petitioner served its Notice of Violation ("Notice"), attached hereto as Exhibit "B", to the mortgage holder, Citifinancial Servicing LLC ("Citi"). The aforementioned Notice advised Citi, *inter alia*, that the subject property had been deemed an unsafe structure by the Chief Building Official and the relief sought by Petitioner is demolition of the unsafe structure.

D. The Notice provided Citi with an opportunity to correct all violations. In addition, the Notice advised Citi of a public hearing regarding the violations to be held July 27, 2016. Neither Citi nor the Respondent attended the aforementioned public hearing.

ORDER:

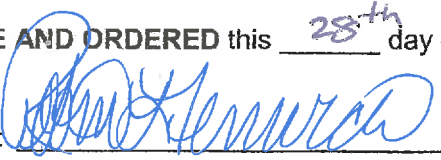
A. Considering the foregoing, Citifinancial Servicing LLC shall appear before the Special Magistrate during the public hearing to be held August 10, 2016 and demonstrate why the subject property should not be demolished.

B. Citifinancial Servicing LLC is hereby put on notice that the Special Magistrate will take under consideration the Petitioner's request for an order granting Petitioner authority to demolish the unsafe structure during the public hearing to be held August 10, 2016.

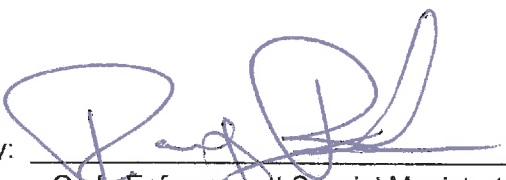
C. The public hearing before the Code Enforcement Special Magistrate will be held on **August 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida.

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

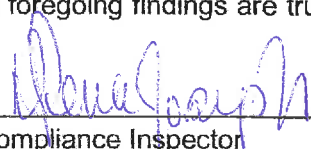
Attest:


Secretary, Code Enforcement Special Magistrate

By:


Code Enforcement Special Magistrate

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


Code Compliance Inspector

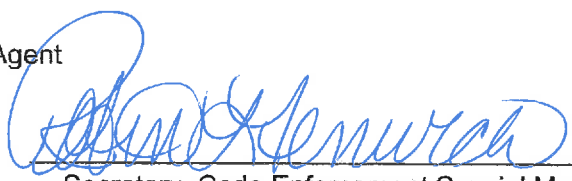
I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH has been furnished to the below recipients by Certified and Regular Mail this 29 day of July, 2016.

Respondent Judith Anderson
101 Aloha Terrace
Port Orange, FL 32129

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER 1209 ORANGE ST
WILMINGTON, DE 19801

CITIFINANCIAL SERVICING LLC
C/O C T CORPORATION SYSTEM, Registered Agent
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324


Secretary, Code Enforcement Special Magistrate



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER
1209 ORANGE ST
WILMINGTON, DE 19801

Re: 156 Sand Pebble
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700
LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER
OR 7128 PG 0843
Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by the Building Official Kerry Leuzinger.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on August 24, 2015 indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations on March 14, 2016 and given 30 days to correct. A re-inspection was done on April 25, 2016 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 25, 2016**. Due to the nature of the violations dealing with the unsafe mobile home structure that was destroyed in a fire, this case is to be considered a health and safety hazard. The structure must be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of the City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures. If the violations are not corrected, the city reserves the right to demolish the structure and place a lien against the property for all costs of abatement.

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

1. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
2. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.5 (Dangerous Structure or Premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
3. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.3 of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
4. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:
 - (a) A structure is unsafe when any of the following conditions exist:
 - (1) The structure's interior walls or other structural members list, lean or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
 - (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purposes used.
 - (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety or the general health and welfare of people within or near the structure.
 - (4) The structure is so dilapidated, decayed, unsafe, insanitary or so utterly fails to provide the amenities essential to decent living that is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety or general welfare.
 - (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
 - (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
 - (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

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 July 27, 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.

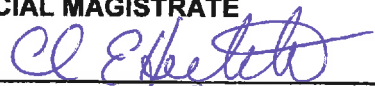
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 27, 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 **September 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) 506-5645.

DATED this 15th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
~~Dena Joseph~~ Chris Hutchison

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this _____ day of _____, 2016.

Time: approx. _____

~~Dena Joseph~~

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202 was

☒ Posted at City Hall

~~X~~ Sent via ^{FedEx} ~~certified~~ and regular

this 15 day of July, 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. Gilbreath Jr.
M.A., C.F.A.



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Parcel Information: 6305-03-00-1700 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate		
Owner Name	ANDERSON JUDITH A	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128 0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397 0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860 1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

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	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	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	Wd Conc Piers	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
006 Res BASE Area (BAS)		VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009 Unfinished Utility (UST)		Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010 Carport, Unfinished (UCP)		Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

WITNESSETH, That the said first party, for good consideration and for the sum of
Ten 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 there-
to in the County of Volusia, State of Florida to wit:

Lot 170 Barefoot Park MB 31 Pg P 662 PER OR
8397 PG 0786 PER OR 5221 PG 0742
Parcel # 6305-03-00-1700

Known as 156 Sand Pebble Circle, Ft Orange FL 32129



Signature of Witness

Hyles Liller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P. Phippen

Print name of First Party

Sarah P. Phippen

Signature of First Party

SARAH P. Phippen

Print name of First Party

State of Maryland)

County of Kent

On June 10, 2015 before me,

appeared Sarah P. Phippen

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.

Karen J. Zottarelli

Signature of Notary

Affiant ☒ Known

Type of ID

Produced ID

Seal

State of)

County of

On

before me,

appeared

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.

Signature of Notary

Affiant Known Produced ID

Type of ID

(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: _____

Nadine Homan
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

Danielle Burns

Susan Schotsch

(Seal)



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

Nicole Baldwin
Notary Public - State of FLORIDA
Commission expires: 08/05/2016



Nicole Baldwin
Notary Public State of Florida
My Commission # EE 222285
Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152

CF001 [REDACTED] *C* -- DEFAULT DOCR 1 [REDACTED] [C-1] FRMFL1



D0012982291

[A] 107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 Transfer of ownership. It shall be unlawful for the owner of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

 **[A] 108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

 **[A] 108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

 **[A] 108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

Sec. 42-108. - Unsafe conditions; nuisance.

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
- (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
- (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2015-37, § 1, 11-3-2015)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

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 April 27, 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), Judith Anderson, whose mailing address is 101 Aloha Terrace, Port Orange, FL 32129, is/are the owner(s) of the property located at 156 Sand Pebble Circle, Port Orange, FL 32129, and more particularly described as:

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742
PER OR 7128 PG 0843

B. The structure partially burnt down, there is outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck. This condition was first observed at the real property described above on August 24, 2015; re-inspections made on October 15, 2016 confirmed the condition as being the same. Respondent, Judith Anderson, received notice via regular and certified mail and posting at City Hall on March 17, 2016, as well as via posting on the property on March 14, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger). Chapter 3 (General Requirements), Section 302

(Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), 304.13 (Window, skylight and door frames), 304.15 (Doors), Section 305 (Interior Structure), 305.1 (General), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities) 604.1 (Facilities Required), Section 605 (Electrical Equipment) 605.1 (Installation), and was to be corrected by April 14, 2016.

C. At the time of the hearing on April 27, 2016, 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), Judith Anderson, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), Section 305 (Interior Structure), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), Section 605 (Electrical Equipment), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the structure being partially burnt down, there being outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

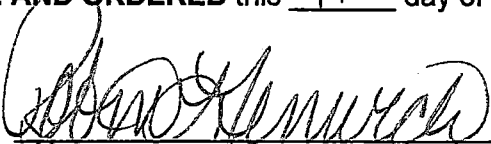
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition with the costs being assessed as a lien against the property. 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 \$707.68 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 11 day of May, 2016.

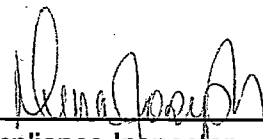
Attest:


Secretary, Code Enforcement Special Magistrate

By:

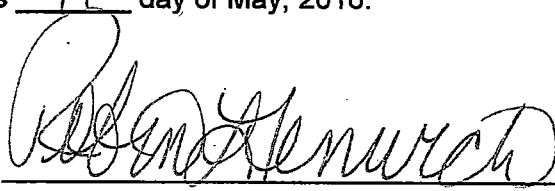
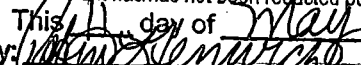

Code Enforcement Special Magistrate

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


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), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.




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 11 day of May, 2016.
By: 
/s/ Robin L. Fenwick

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

Respondent.

ORDER AUTHORIZING DEMOLITION AND ABATEMENT OF VIOLATIONS

THIS CAUSE came for public hearing before the Code Enforcement Special Magistrate on August 10, 2016 on the Special Magistrate *ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH* and the Special Magistrate having previously entered the *Findings of Fact, Conclusions of Law, and Order*, incorporated herein by reference, after public hearing on April 27, 2016 ("April 27 ORDER"), it is ordered as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

- A. The Special Magistrate April 27 ORDER directed Respondent JUDITH ANDERSON to, *inter alia*, correct all violations set forth in the April 27 ORDER on or before May 27, 2016.
- B. The April 27 ORDER further held as follows:
- In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, **the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition** with the costs being assessed as a lien against the property. (emphasis added).
- C. On or about July 13, 2016, Petitioner served a Notice of Violation ("Notice") to the mortgage holder, Citifinancial Servicing LLC ("Citi"). The aforementioned Notice advised Citi, *inter alia*, that the subject property had been deemed an unsafe structure by the Chief Building Official and the relief sought by Petitioner is demolition of the unsafe structure.
- D. The Notice provided Citi with an opportunity to correct all violations. In addition, the Notice advised Citi of a public hearing regarding the violations to be held July 27, 2016. Neither Citi nor the Respondent attended the aforementioned public hearing.

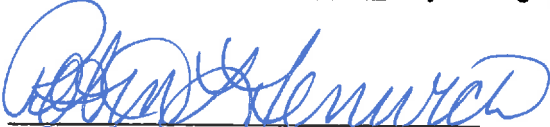
- E. As a result of the July 27, 2016 hearing, the Special Magistrate issued the *ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH* ("Order to Appear") to Citi.
- F. The *Order to Appear* provided Citi an opportunity to appear before the Special Magistrate during the public hearing held August 10, 2016 and to demonstrate why the subject property should not be demolished.
- G. Considering the foregoing, Citi was properly put on notice that the Special Magistrate would take under consideration the Petitioner's request for an order granting Petitioner authority to demolish the unsafe structure during the public hearing to be held August 10, 2016.
- H. Citi failed to appear before the Special Magistrate during the public hearing held August 10, 2016 and, thereby, failed to demonstrate why the subject property should not be demolished.
- I. The Special Magistrate has reviewed the *Affidavit of Non-Compliance* filed by Dena Joseph, Code Compliance Inspector for the City of Port Orange, Florida attesting that the corrective action ordered by the Special Magistrate, pursuant to the April 27 ORDER, had not taken place as of May 30, 2016 and, further, no corrective action had taken place as of the date of the *Affidavit of Non-Compliance*.

ORDER

A. Considering all of the foregoing, the City, in accordance with the Special Magistrate's *Findings of Fact, Conclusions of Law, and Order* of April 27, 2016, is hereby authorized to **abate the violations up to and including demolition of the subject property.**

B. Costs, to be determined at a later hearing date, shall be assessed as a lien against the property.

DONE AND ORDERED this 16th day of August, 2016.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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



Code Compliance Inspector

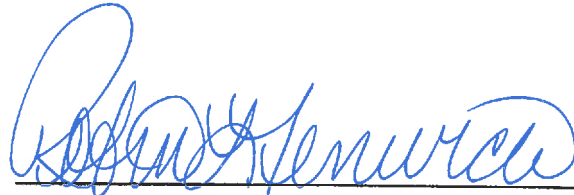
I **HEREBY CERTIFY** that a true and correct copy of the *foregoing ORDER AUTHORIZING DEMOLITION AND ABATEMENT OF VIOLATIONS* has been furnished to the below recipients by Certified and Regular Mail this 17 day of August, 2016.

Respondent Judith Anderson
101 Aloha Terrace
Port Orange, FL 32129

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER 1209 ORANGE ST
WILMINGTON, DE 19801

CITIFINANCIAL SERVICING LLC
C/O C T CORPORATION SYSTEM, Registered Agent
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202



Secretary, Code Enforcement Special Magistrate