



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, March 8, 2017

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 2/22/17

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-058
Respondent: Clark Office Building LTD
Address of Violation: 5114 Ridgewood Ave
Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 02/08/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 17, Section 25 - Ridgewood Development (RD) zoning district.

4. **CEB Case No.:** 16-1483
Respondent: Circle K Stores, Inc.
Address of Violation: 4040 Nova Road
Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 02/15/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14, Article VII Commercial Property Maintenance Standards, Section 14-313 Inspections, enforcement, appeals (b), Section 14-314 Landscaping and buffers - Maintenance criteria, Section 14.315 Replacement criteria, Section 14-317 Parking, sidewalk and driveway areas (2), Section 14-318 Other property improvements; maintenance criteria (b) Signs (d) Trash, litter and debris.

5. **CEB Case No.:** 17-114
Respondent: Steven J. & Alice A. Husmann
Address of Violation: 6087 Jasmine Vine Drive
Port Orange, FL 32128
Code Officer: J. Scott Allman
First Notified: 01/31/2017

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: 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.

6. **CEB Case No.:** 17-124

Respondent: Shelley Liga

Address of Violation: 26 Golden Gate Circle
Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/02/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. Cleanliness of property generally - Duty of owner. (f)

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32.
Storage of vehicles, furniture, etc.

City of Port Orange Code of Ordinances Chapter 70, Article 2, Section 70-48. Parking
of recreational vehicles and equipment on residential premises (c)(1) & (2) and (e).

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 304.7 Roofs and drainage.

7. **CEB Case No.:** 17-139

Respondent: Eva Ivie

Address of Violation: 27 Golden Gate Circle
Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/02/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. Cleanliness of property generally - Duty of owner. (f)

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32.
Storage of vehicles, furniture, etc.

C. ORDER IMPOSING FINE/LIEN

8. **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: 12/14/2016

Compliance: Yes

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.

9. **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: 10/20/2016

Compliance: Yes

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.

10. CEB Case No.: 16-1457

Respondent: Terri G. Curatolo

Address of Violation: 3640 Scott Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/29/2016

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs & Spas), 303.1 (Swimming Pools), of the 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, Hot Tubs & Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and

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.

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. **NOTE:** IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
FEBRUARY 22, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:07 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Deborah Faircloth, Interim Code Enforcement Manager
Robin Fenwick, City Clerk
Fran Gosnell, Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Branch stated that since there were no members of the public at this time, he would dispense with the overview of the Code Enforcement Process.

Consideration of Minutes

Special Magistrate Branch approved the February 8, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Amanda Bonin and Interim Code Enforcement Manager Deborah Faircloth were sworn in by Special Magistrate Branch.

ORDER IMPOSING FINE/LIEN

3. **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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Branch. Motion was made by Ms. Bonin to continue this case to March 8, 2017. Special Magistrate Branch granted the motion.

4. **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: 10/20/2016

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.

Motion was made by Ms. Bonin to continue this case to March 8, 2017. Special Magistrate Branch granted the motion.

5. **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: Yes

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.

Deborah Faircloth, Interim Code Enforcement Manager, was sworn in by Special Magistrate Branch and requested an Order Setting Fine/Lien in the amount of \$1,400 for abatement cost for work provided by the vendor for covering the pool and the cost sheet in the amount of \$85.28. Ms. Faircloth stated the violations have been abated and there is no daily fine associated with this case. Ms. Faircloth provided the Affidavit of Non-Compliance and Affidavit of Compliance.

The cost sheet in the amount of \$85.28 was tendered and admitted into evidence by Special Magistrate Branch for the combined total of \$1,485.28.

Special Magistrate Branch awarded costs of \$85.28 and vendor invoice in the amount of \$1,400 for abatement as recommended with the adding of the sentence, "The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance." The total due to the City is \$1,485.28.

6. **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: 01/11/2017

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 & 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.

Motion was made by Ms. Faircloth to continue this case to March 22, 2017. Special Magistrate Branch granted the motion.

7. **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: 10/19/2016

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

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Branch and requested an Order to Set Fine/Lien. The Affidavit of Non-Compliance, Affidavit of Compliance, cost sheet in the amount of \$104.85, and invoice from Blue Ribbon Pools in the amount of \$2,000.00 for abatement and covering of pool was tendered and admitted into evidence by Special Magistrate Branch. There is no daily fine associated with this case.

Special Magistrate Branch awarded costs of \$104.85 and vendor invoice in the amount of \$2,000 for abatement as recommended with the adding of the sentence, "The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance." The total due to the City is \$2,104.85.

8. CEB Case No.: 16-1457

Respondent: Terri G. Curatolo

Address of Violation: 3640 Scott Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 01/11/2017

Compliance: No

Cited for violation(s) – Chapter 3 (General Requirements), Section 303 Swimming Pools, Spas), 303.1 (Swimming Pools), of the 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, Hot Tubs & Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances,

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.

Motion was made by Ms. Faircloth to continue this case to March 8, 2017. Special Magistrate Branch granted the motion.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:32 a.m.

Special Magistrate Raymond Branch



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE

Petitioner,

CASE NO. 17-058

To: Clark Office Building LTD
5111 Ridgewood Ave Ste. 201
Port Orange, FL 32127

Re: 5114 Ridgewood Ave
Port Orange, FL 32127
Parcel ID: 6310-11-00-0040
LEGAL DESCRIPTION: LOT 4 EXC RD RWY ALLANWOOD PER OR 3863 PG 2614
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 11, 2017, 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 February 18, 2017.

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

1. City of Port Orange Land Development Code, Chapter 17, Section 25 – Ridgewood Development (RD) zoning district
Motor vehicle towing and impoundment and Motor vehicle and boat storage facilities are not listed as permitted uses within the RD zoning district.

To correct the above violation, all vehicles not directly associated with the Port Orange Auto Pawn and vehicles associated with the Repo Man being stored on the property shall be removed by February 18, 2017.

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** March 8, 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 **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 \$ 0 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 March 8, 2017, 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 April 12, 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 8th day of February, 2017.

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 Clark Office Building LTD, 5111 Ridgewood Ave., Port Orange, FL 32127, RE: 5114 Ridgewood Ave., Port Orange, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Mike Palito

this 8th day of February, 2017.

Time: approx. 4:17 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 Clark Office Building LTD, 5111 Ridgewood Ave., Port Orange, FL 32127, RE: 5114 Ridgewood Ave., Port Orange, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 9th day of Feb., 2017.



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

Larry Bartlett, J.D.

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Parcel Information: 6310-11-00-0040 2017 Working Tax Roll Last Updated: 02-05-2017

Owner Name and Address

Alternate Key	3615719	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-11-00-0040	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-11-00-0040	2016 Final Mill Rate	20.05190
Created Date	31 DEC 1981		
Property Class	12 Mixed Use - Store & Office or Store & Residential or Residential Combination		
Ownership Type		Ownership Percent	100
Owner Name	CLARK OFFICE BUILDING LTD		
Owner Name/Address 1			
Owner Address 2	5111 RIDGEWOOD AVE STE 201		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5114 RIDGEWOOD AV PORT ORANGE 32127		

Legal Description
 LOT 4 EXC RD RWY ALLANWOOD PER OR 3863 PG 2614

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4940	2538	09/2002	Warranty Deed	Multi parcel sale	Yes	320,000
3863	2612	09/1993	Unknown	Affiliated Parties	Yes	100
3863	2614	09/1993	Quit Claim Deed	Affiliated Parties	Yes	100
3707	3118	10/1991	Quit Claim Deed	Affiliated Parties	Yes	39,900
2107	1264	09/1979	Warranty Deed	Qualified Sale	Yes	77,000

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	103,428	19,447	4,152	127,027	127,027	127,027	0	127,027	0	127,027
2015	103,428	19,074	4,550	127,052	127,052	127,052	0	127,052	0	127,052

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
1200	MIXED, STORE and OFFIC	208.0	170.0	35360.00	SQUARE_FEET	3.25	100	100	90	100	103,428
Neighborhood C5508 PORT ORANGE- US HWY 1											
Total Land Classified											0
Total Land Just											103,428

Building Characteristics
Building Number: 114396 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
114396	Commercial	Concrete or Masonry	260	1926	250	50%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
003	9.00	1	1926	0.00	600 Retail Store (11C)		100.00	No	Yes
004	9.00	1	1996	0.00	180 Canopy (CAN)		0.00	No	No
005	8.00	1	2008	0.00	144 Porch, Open Unfinished (UOP)		0.00	No	No

Exterior Wall Type	Area%
40 Concrete Block, Painted	
44 Concrete Block, Stucco	25%
	75%

Building Refinements

Description	Number of Units	Unit Type
Extra Fixture		4 UB
Baths, 2-Fixture		1 UB

Florida Department of State

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Florida Limited Partnership
CLARK OFFICE BUILDING, LTD.

Filing Information

Document Number	A99000001315
FEI/EIN Number	59-3592839
Date Filed	08/10/1999
State	FL
Status	ACTIVE

Principal Address

5111 RIDGEWOOD AVENUE
SUITE 201
PORT ORANGE, FL 32127

Changed: 02/04/2010

Mailing Address

5111 RIDGEWOOD AVENUE
SUITE 201
PORT ORANGE, FL 32127

Changed: 02/04/2010

Registered Agent Name & Address

CLARK, ANDREW D
5111 RIDGEWOOD AVENUE
SUITE 201
PORT ORANGE, FL 32127

Address Changed: 02/04/2010

General Partner Detail**Name & Address**

Document Number M98199

CLARK PROPERTIES CORPORATION
5111 RIDGEWOOD AVENUE., SUITE 201
PORT ORANGE, FL 32127

Annual Reports

Report Year	Filed Date
--------------------	-------------------

10/05/2002 09:09
Doc stamps 2240.00
(Transfer Amt \$ 320000)
Instrument # 2002-228080
Book: 4940
Page: 2538

This instrument prepared by:
HENRY P. DUFFETT, Attorney At Law
120 East Granada Blvd.
Ormond Beach, FL 32176

Tax Parcel No.

WARRANTY DEED

THIS INDENTURE, made this 83rd day of September, 2002, BETWEEN Angelo J. Renko and Marjorie E. Renko, his wife, of the County of Volusia, State of Florida, grantor* and Clark Office Building, Ltd., a Florida limited partnership, whose address is Post Office Box 238071, Daytona Beach, Florida 32123-8071 grantees*,

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

Lot 4, Allanwood, a subdivision in Lots 4 and 5, Section 10, Township 16 South, Range 33 East, according to the map or plat thereof as recorded in Plat Book 5, Page A, Public Records of Volusia, Florida, EXCEPTING that portion of the property for widening of U.S. Highway 1.

AND

Lot 1, Block H, and vacated Rogers Avenue adjacent to Lot 1, Block H, Allandale, according to the map or plat thereof as recorded in Plat Book 4, Page 146, Public records of Volusia County, Florida.

AND

Lots 15, 16, 17, 18, 19, 20, 21 and 22, Block 44, and vacated Rogers Avenue North of the Westerly projection of the Southerly line of Lot 1, Block H, Allandale, according to the map or plat thereof as recorded in Plat Book 4, Page 146, of Volusia County, Florida

SUBJECT to ad valorem taxes for the year 2002 and subsequent years.

SUBJECT to easement to the Florida Power and Light Company recorded in Official Records Book 2547, Page 47, Public Records of Volusia County, Florida, to utility

Book: 4940
Page: 2539
Diane M. Matousek
Volusia County, Clerk of Court

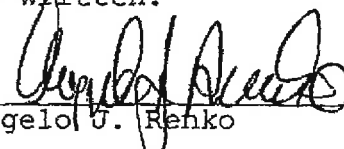
easement to the City of Port Orange recorded in Official Records Book 3777, Page 3760, Public Records of Volusia County, Florida and to restrictions, conditions, reservations, easements and other matters contained in the Plat of Allanwood recorded in Plat Book 5, Page A and also Plat of Allanwood recorded in Plat Book 4, Page 146 both Public Records of Volusia County, Florida. The mention of such restrictions, reservations and easements shall not serve to reimpose any of the same which have expired by passage of time or lack of exercise or other valid cause.

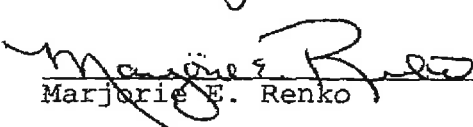
and said grantors does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

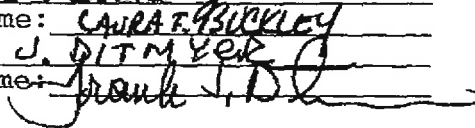
IN WITNESS WHEREOF, Grantors have hereunto set grantor's hand and seal the day and year first above written.

Witnesses:


Angelo J. Renko

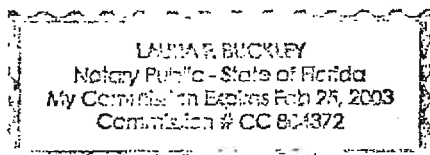

Marjorie E. Renko


Print Name: LAURA J. BUCKLEY


Print Name: FRANK J. DITTMER

STATE OF FLORIDA
COUNTY OF VOLUSIA

23rd The foregoing instrument, was acknowledged before me this day of Sept. 2002, by Angelo J. Renko and Marjorie E. Renko, his wife. Identification provided as follows: personally known



Notary Public, State of Florida
Printed Name: Laura J. Buckley

[NOTARY STAMP OR SEAL]

Section 25: - Ridgewood development (RD) district.

- (a) *Purpose and intent.* The Ridgewood Development District is designed to encourage the development and redevelopment, modernization, and beautification of the Ridgewood Avenue corridor, while maintaining its traffic capacity, and protecting the integrity of adjoining residential areas. It is intended to accommodate a mixture of office, commercial, warehouse/storage, and limited industrial uses based on a strategy for the corridor.
- (b) *Permitted uses.*
- (1) Adult/vocational education.
 - (2) Antennas.
 - (3) Appliance/electronic repair shops.
 - (4) Athletic/sports facilities.
 - (5) Auction houses.
 - (6) Banks.
 - (7) Boat sales.
 - (8) Business services.
 - (9) Camouflaged and monopole communication towers.
 - (10) Clubs, lodges, and fraternal organizations.
 - (11) Commercial/industrial equipment and supplies.
 - (12) Convenience stores with or without fuel operations.
 - (13) Equipment rental.
 - (14) Financial services.
 - (15) Fleet-based services.
 - (16) Fortunetellers, astrologers, and palm readers.
 - (17) Funeral homes.
 - (18) Furniture and appliance stores.
 - (19) Greenhouses and nurseries (wholesale and retail).
 - (20) Health/exercise club.
 - (21) Hotels.
 - (22) Houses of worship.
 - (23) Laboratory, research and development.
 - (24) Maintenance contractors.
 - (25) Manufacturing: craftsman shops.
 - (26) Manufacturing, limited.
 - (27) Medical offices/clinics.
 - (28) Mobile home sales.
 - (29) Motor vehicle sales.
 - (30) Motor vehicle service centers.
 - (31) Motor vehicle service stations.
 - (32) Offices.
 - (33) Pawn shops.
 - (34) Personal services.
 - (35) Restaurants.
 - (36) Retail home building materials.
 - (37) Retail sales and services.
 - (38) Taxidermy.
 - (39) Theaters.
 - (40) Veterinary clinics.
 - (41) Wholesalers and distributors.
 - (42) Xerographic and offset printing.
- (bb) *Permitted uses with special development requirements (chapter 18, section 4).*
- (1) Assisted living facilities (subsection 1).
 - (2) Brewery (subsection 3.7).
 - (3) Child care centers (subsection 4).
 - (4) Community gardens (subsection 5.1).
 - (5) Craft food and beverage producer (subsection 5.15).

- (6) Microbrewery (subsection 9.57).
 - (7) Nursing homes (subsection 10).
 - (c) *Special exception uses (chapter 18, section 3).*
 - (1) Bars, lounges and night clubs (subsection 3).
 - (2) Boat repair, engine (chapter 18, paragraph 3(b)(3.5)).
 - (3) Farmers/flea markets (subsection 5.5).
 - (4) Game/recreation facilities (subsection 7).
 - (5) Guyed and lattice communication towers.
 - (6) Manufacturing: fabrication.
 - (7) Marina, recreational (subsection 9.6).
 - (8) Mini-warehouses (subsection 10).
 - (9) Motor vehicle repair facilities (subsection 13).
 - (10) Multifamily dwellings (16 units per gross acre maximum allowable density) (subsection 14).
 - (11) Tattoo parlors (subsection 20).
 - (d) *Reserved.*
 - (e) *Special landscape provisions.*
 - (1) Special landscape provisions for development within this district are described in chapter 13, specifically subsection 3(c), subsection 3(d)(3), subsection 3(e), subsection 4(b) and subsection 5(d).
 - (f) *Special signage provisions.* Special signage provisions for development within this district are described in chapter 15, specifically subsection 6(b) and subsection 7(c)(1)(b).
 - (g) *Special vehicular use provisions.* The use of alternative surfaces for parking and other vehicular use areas shall be permitted as provided in subsection 6(f)(3) of chapter 12 of this Code.
 - (h) *Special owner-occupancy provisions.* The residential occupancy by a business owner and the owner's family of a structure being used for a permitted use or permitted use with special development requirements shall be permitted as provided in subsection 2(d) of chapter 20 of this Code.
- (Ord. No. 1991-20, 8-27-91; Ord. No. 1992-29, 11-3-92; Ord. No. 1993-58, 1-18-94; Ord. No. 1995-45, §§ 47—51, 12-19-95; Ord. No. 1996-33, § 10, 11-19-96; Ord. No. 1997-23, §§ 32, 33, 4-29-97; Ord. No. 1998-69, §§ 38, 39, 10-20-98; Ord. No. 2000-53, § 7, 2-20-01; Ord. No. 2010-8, § 6, 5-4-10; Ord. No. 2010-17, § 3, 7-20-10; Ord. No. 2013-5, § 3, 5-21-13; Ord. No. 2015-45, § 1, 1-5-16; Ord. No. 2016-19, § 7, 10-4-16)

Case Cost Sheet Log

Case No. 16-1483

Name	Activity	Activity_Date	Status	Cost
Circle K Stores, Inc, c/o Corporation Service Company, 1201 Hays St, Tallahassee, FL 32301	Cost to mail Notice of Violation and Notice of Hearings (Regular Mail)	02/21/2017		\$1.82
Clerk of Court	Recording Fee - Finding of Fact	03/08/2017		\$27.00
Circle K Stores, Inc.	Cost to mail Finding of Fact (via Regular and Certified Mail)	03/08/2017		\$7.02
Corporation Service Company, 120 Hays St, Tallahassee, FL 32301	Cost to mail Finding of Fact (via Regular and Certified Mail)	03/08/2017		\$7.02

Total: 42.86



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1483

To: Circle K Stores, Inc.
c/o Corporation Service Company
1201 Hays Street
Tallahassee, FL 32301

Re: Circle K Store
4040 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0040

LEGAL DESCRIPTION: 15 16 33 W 200 FT MEAS ON N/L & N 220 FT MEAS ON E/L OF W ½ OF NW ¼ S OF STATE RD
5-A EXT TRIANG FOR NEW R/W IN N 24.86 FT OF W 24.86 FT PER OR 3368
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 7, 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 18 days to correct. A re-inspection was done on October 4, 2016, resulting in non-compliance. Many attempts to gain compliance through the Market Manager of the Circle K Store were made with no cooperation after stating he had received authorization to proceed with work.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by February 27, 2017.

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

1. City of Port Orange Code of Ordinances, Chapter 14, Article VII Commercial Property Maintenance Standards, Section 14-313 Inspections, enforcement, appeals (b), Section 14-314 Landscaping and buffers – Maintenance criteria, Section 14.315 Replacement criteria, Section 14-317 Parking, sidewalk and driveway areas (2), Section 14-318 Other property improvements; maintenance criteria (b) Signs (d) Trash, litter and debris.
 - On September 7, 2017, I received a complaint about the lack of maintenance on the trees, shrubs, landscaped areas, including weeds and remove trash on site. I left an 18-day notice to correct all listed violations. Subsequent inspections show no-compliance. Contact with Market Manager after Hurricane Matthew informed him that a stop sign was blown away from the exit onto Nova Road. To date, there is no-compliance.

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.

SCANNED

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** March 8, 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 **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 March 8, 2017, 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 April 12, 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 15th day of February, 2017.

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 Circle K Stores, Inc., c/o Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301, RE: Circle K Store, 4040 Nova Road, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents:

Heather Nicholas, Mgr

☐ Posted at the property

this 15th day of February, 2017.

Time: approx. 3:15 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 Circle K Stores, Inc., c/o Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301, RE: Circle K Store, 4040 Nova Road, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via ~~certified~~ and regular

this 20 day of February, 2017.

Frances Moore

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.

Florida Department of State

DIVISION OF CORPORATIONS

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /**Detail by Entity Name**

Foreign Profit Corporation
CIRCLE K STORES INC.

Filing Information

Document Number	F93000005584
FEI/EIN Number	74-1149540
Date Filed	12/08/1993
State	TX
Status	ACTIVE
Last Event	NAME CHANGE AMENDMENT
Event Date Filed	02/15/1995
Event Effective Date	NONE

Principal Address

1130 W WARNER RD
BUILDING B
TEMPE, AZ 85284

Changed: 11/30/2007

Mailing Address

PO BOX 52085
LICENSING DC-36
PHOENIX, AZ 85072

Changed: 07/06/2004

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301

Name Changed: 03/22/2002

Address Changed: 04/17/2008

Officer/Director Detail**Name & Address**

Title VP Operations, Gulf

BEDNARZ, BRIAN J.



Volusia County Property Appraiser

Larry Bartlett, J.D.

Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Alternate Key Property Information

Parcel Information: 6315-00-00-0040 2017 Working Tax Roll Last Updated: 02-11-2017

Owner Name and Address

Alternate Key	4690638	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-00-00-0040	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-00-0040	2016 Final Mill Rate	20.05190
Created Date	08 NOV 1984		
Property Class	11 Stores, One Story		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	CIRCLE K STORES INC		
Owner Name/Address 1	RENT & PROP TAX DEPT		
Owner Address 2	1130 W WARNER RD BUILDING B		
Owner Address 3	TEMPE AZ		
Owner Zip/Postal Code	85284		
Situs Address	4040 NOVA RD PORT ORANGE 32127		

Legal Description

15 16 33 W 200 FT MEAS ON N/L & N 220 FT MEAS ON E/L OF W 1/2 OF NW 1/4 S OF STATE RD 5-A EXT TRIANG FOR NEW R/W IN N 24.86 FT OF W 24.86 FT PER OR 3368 PG 0828 PER OR 5971 PGS 1880-1889 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5971 1880	12/2006	Warranty Deed	Personal property /business	Yes	1,075,000
4381 4071	10/1998	Warranty Deed	Qualified Sale	Yes	412,383
3368 0828	12/1988	Warranty Deed	Unqualified Sale	Yes	288,500
3170 1187	12/1984	Warranty Deed	Unqualified Sale	No	100
2590 1268	07/1984	Warranty Deed	Qualified Sale	No	278,000
2590 1269	07/1984	Warranty Deed	Qualified Sale	No	278,000

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	218,510	319,156	134,574	672,240	672,240	672,240	0	672,240	0	672,240
2015	218,510	0	0	218,510	218,510	218,510	0	218,510	0	218,510

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
1111	CONV STORE WITH GAS	200.0	220.0	43702.00	SQUARE_FEET	5.00	100	100	100	100	218,510
Neighborhood C5503 NOVA S OF DUNLAWTON TO US1											
Total Land Classified											0
Total Land Just											218,510

Building Characteristics

Building Number: 267144 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
267144	Commercial	Concrete or Masonry	726	2015	400	0%	0%	0%	2999
Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
000	14.00	1	2015	0.00	4400 Convenience Store (11B)		100.00	Yes	Yes
002	12.00	1	2015	0.00	392 Canopy (CAN)		0.00	No	No
Exterior Wall Type									Area%
44 Concrete Block, Stucco									100%

Building Refinements

Description	Number of Units	Unit Type
Baths, 4-Fixture		2 UB
Extra Fixture		6 UB

①
86.50
7525.00

RETURN TO:
STEWART TITLE GUARANTY CO
3402 WEST CYPRESS, SUITE 100
TAMPA, FL 33607

FILE NO. 06330914 KMK

SPECIAL WARRANTY DEED

Return To:
Circle K Stores Inc.
12911 N. Telecom Parkway
Tampa, FL 33637
Attn: Real Estate Coordinator

This Special Warranty Deed ("Deed"), dated to be effective as of the 1st day of December, 2006 ("Effective Date"), is by and between Motiva Enterprises LLC, a Delaware limited liability company with offices located at 12700 Northborough Drive, Houston, Texas 77067 ("Grantor") and Circle K Stores Inc., a Texas corporation with offices located at 315 Commons Mall, Columbus, Indiana 47201 ("Grantee").

W I T N E S S E T H:

For and in consideration of the sum of \$10.00 and the mutual covenants and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby GRANT, BARGAIN, SELL, CONVEY, CONFIRM and RELEASE unto Grantee, its successors and assigns forever, the Premises more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Premises"), together with any buildings, fixtures and improvements owned by Grantor and located thereon.

Together with all right, title and interest, if any, of Grantor in and to any streets and roads abutting the Premises to the center lines thereof, plus all the estate and rights of Grantor in and to any easements, rights, privileges, appurtenances and other hereditaments appurtenant to the Premises;

This conveyance is made by Grantor and accepted by Grantee SUBJECT TO all reservations, exceptions, restrictions, easements, encumbrances, rights of way and other matters of record affecting the same and set forth on "Exhibit B", to the extent that the same are currently valid and enforceable against the Premises and applicable zoning regulations.

TO HAVE AND TO HOLD the Premises unto Grantee, its successors and assigns in fee simple forever; but:

IN ADDITION TO THE FOREGOING, Grantor grants the Premises to Grantee subject to the following covenants and restrictions:

1. From and after the Effective Date until November 30, 2021 ("**Termination Date**"), if gasoline or branded diesel is stored, advertised or sold at or from the Premises, the gasoline or branded diesel stored, advertised or sold shall be sold under the "Shell" trademark or other "Shell" brands under which motor fuel products are sold ("**Brand Covenant**"), all as more fully set forth in that certain Branding and Product Purchase Commitment Agreement dated as of the Effective Date, by and between Grantor and Grantee ("**Branding Agreement**"). The Brand Covenant shall expire automatically on the Termination Date without need for filing a release, or other action of either Grantor or Grantee. The Premises and every portion thereof shall be improved, held, used, occupied, leased, sold, hypothecated, encumbered and conveyed subject to the Brand Covenant. The Brand Covenant and the remedies for breach thereof, as provided in the Branding Agreement, shall run with the land, and pass with each and every portion of the Premises, and shall apply to and bind the respective successors, assigns and transferees and subsequent owners in interest thereof. The Brand Covenant is imposed upon the entire Premises.

Grantee agrees to include the Brand Covenant in any conveyance or assignment of the Premises prior to the Termination Date to a successor grantee and, as a condition of any conveyance of the Premises, to require successor grantees to enter into an agreement assuming all obligations of Grantee under the Branding Agreement.

2. Until the Termination Date, Grantor retains a right of first refusal to purchase the Premises, pursuant to the terms of the Branding Agreement ("**Right of First Refusal**"). The Right of First Refusal shall expire automatically on the Termination Date, without need for filing a release, or other action of either Grantor or Grantee. The terms of the Right of First Refusal are set forth on "**Exhibit C**".

3. Grantee has granted a right of access to Grantor pursuant to the terms of an Access Agreement dated as of the Effective Date, which is being recorded on the same day as this instrument.

4. Grantee covenants and agrees that it shall not install any well or other tank, pump or related equipment for the storage of potable water at the Premises. Grantee further covenants and agrees that it shall not improve or use the Premises for residential purposes. Each of these covenants shall run with the Premises, and pass with each and every portion of the Premises, and shall apply to and bind the respective successors in interest thereof. Grantee agrees to include these restrictions in any conveyance or assignment of the Premises to a successor grantee.

5. Notice is hereby given to Grantee by Grantor pursuant to § 404.056, Fla. Stats. (1999): Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who were exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from the county public health unit.

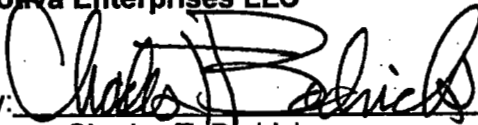
SUBJECT to the foregoing, Grantor covenants with Grantee that Grantor will warrant and defend title to the Premises against the lawful claims of all persons claiming by, through, or under Grantor, but not otherwise.

[Signatures Appear on Following Page]

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be duly executed on the day and year first above written.

Motiva Enterprises LLC

[LLC SEAL]

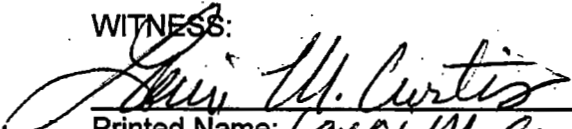
By: 
Name: Charles T. Badrick
Title: Attorney-in-Fact

Signed, Sealed and Delivered in Our Presence:

WITNESS:


Printed Name: Janine Yee

WITNESS:


Printed Name: Carol M. Curtis

This instrument prepared by:

Beverly J. Klug
as Agent for **MOTIVA ENTERPRISES LLC**
12700 Northborough, Suite 130
Houston, TX 77067

CC# 100714

Parcel Identification No.: **631500000040**
(Recording Legend)

Tax statements should be sent to:

Circle K Stores Inc.
Rent and Property Tax Department
1130 W. Warner Road, Building B
Tempe, AZ 85284
Attn: Rents and Property Tax Supervisor

-4-

EXHIBIT A

Legal Description of Premises

Exhibit "A"

A PIECE, PARCEL OR TRACT OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATED IN THE CITY OF PORT ORANGE, COUNTY OF VOLUSIA, STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PART OF THE WEST ½ OF NORTHWEST ¼ OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 33 EAST, SOUTH OF STATE ROAD 5A, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AS A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST ¼ OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 33 EAST; THENCE NORTH 89°20' EAST A DISTANCE OF 50.00 FEET; THENCE NORTH 00°45' WEST A DISTANCE OF 797.71 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°45' WEST A DISTANCE OF 220.00 FEET; THENCE SOUTH 75°02'00" EAST A DISTANCE OF 200.00 FEET; THENCE SOUTH 00°45' EAST A DISTANCE OF 220.00 FEET; THENCE NORTH 75°02'00" WEST, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PORTION TAKEN FOR ADDITIONAL RIGHT-OF-WAY BY THE STIPULATED FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 4765, PAGE 959 AND OFFICIAL RECORDS BOOK 4766, PAGE 3719, DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE BASE LINE OF SURVEY OF NOVA ROAD WITH THE WEST LINE OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 33 EAST AT A POINT BEING 1559.34 FEET SOUTH 00°08'00" EAST OF THE NORTHWEST CORNER OF SAID SECTION 15; THENCE ALONG SAID BASE LINE RUN SOUTH 74°25'27" EAST 52.96 FEET TO ITS INTERSECTION WITH AN EXTENSION OF THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF SPRUCE CREEK ROAD; THENCE ALONG SAID EXTENSION RUN SOUTH 00°01'36" WEST 52.04 FEET TO AN IRON PIPE MARKING THE INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF SPRUCE CREEK ROAD WITH THE EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF NOVA ROAD FOR THE POINT OF BEGINNING; THENCE ALONG SAID EXISTING SOUTHERLY RIGHT-OF-WAY LINE OF NOVA ROAD SOUTH 74°25'48" EAST 24.86 FEET; THENCE SOUTH 52°48'04" WEST 30.08 FEET; THENCE NORTH 00°01'36" EAST 24.86 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

Permitted Encumbrances

SCHEDULE 4.3
PERMITTED ENCUMBRANCES

CC#100714
4040 Nova Road
Port Orange, FL

1. The lien for real property taxes for the year 2007, and any liens for special assessments which as of the date hereof, are not due and payable. Ad Valorem Taxes for calendar year 2006, have been paid and prorated as of the date hereof.
2. Reservations pertaining to all oil, gas and minerals rights contained in the Special Warranty Deed recorded in Official Records Book 4381, Page 4071, of the Public Records of Volusia County, Florida.
3. Easement recorded in Official Records Book 4127, Page 803, of the Public Records of Volusia County, Florida.
4. Drainage Easement taken by the State of Florida Department of Transportation as shown in the Stipulated Final Judgment recorded in Official Records Book 4765, Page 959 and Official Records Book 4766, Page 3719, of the Public Records of Volusia County, Florida.
5. The following matters as shown on survey by International Land Services, Inc. dated May 25, 2006 under Job Number 06-02-015:002, last revised on November 21, 2006:
 - a. Apparent easement for overhead utility lines across North property line.
 - b. Car wash encroaches over 15' building setback line.

EXHIBIT C**Right of First Refusal**

Until November 30, 2021, if at any time Grantee (i) receives an acceptable bona fide offer to purchase or lease from a ready, willing, and able purchaser or lessee which Grantee desires to accept, or (ii) makes a bona fide offer to sell, lease or otherwise transfer to such a purchaser or lessee, all of Grantee's right, title and interest in and to the Premises ("**Offer**"), Grantee shall provide written notice to Grantor, specifying the name and address of the proposed grantee or lessee and the price and complete terms of the Offer, accompanied by Grantee's affidavit that the proposed sale or lease transaction described in the Offer is in good faith. Grantor will then have the prior option to purchase or lease the Premises at the price and on the terms of the Offer, but subject to the terms provided below ("**Right of First Refusal**").

Grantor shall provide written notice to Grantee of Grantor's election to exercise its Right of First Refusal within 30 days after Grantor receives Grantee's written notice of the Offer. If Grantor does not timely exercise its Right of First Refusal with respect to the Premises, Grantee shall be free to sell, lease or otherwise transfer the Premises in accordance with the transaction described in Grantee's notice. If such transaction is not consummated as described in the Grantee's notice, the Right of First Refusal shall thereafter apply to the Premises.

Within 20 days after the date of the notice provided to Grantee of Grantor's election to exercise its Right of First Refusal, Grantor shall designate a title company and provide written notice to Grantee of the same. Grantee shall deposit with the title company a recordable special warranty deed comparable to the special warranty deed to which this Exhibit relates or a lease containing terms consistent with the Offer described in Grantee's notice and acceptable to Grantor. Grantor shall deposit with the title company any earnest money required by the Offer. Promptly thereafter, Grantee shall (or Grantor may), at Grantor's expense, order from the title company a report on title to (or leasehold interest in) the Premises and a commitment for an owner's or lessee's (as applicable) policy of title insurance. Upon written notice from Grantor to Grantee and the title company that title is acceptable, the title company shall deliver to Grantor the deed or lease executed by Grantee, together with the owner's or lessee's (as applicable) policy of title insurance, against payment by Grantor of the purchase price (which shall include payment of any costs, fees, expenses, documentary, transfer and like taxes required to be paid by Grantor), as such allocation of costs, fees and expenses may be set forth in the Offer, less any earnest money. Thereafter, the title company shall deliver to Grantee the purchase price required by the Offer less the amount of any liens accepted by Grantor and less the amount of any and all costs, fees, expenses, documentary, transfer and like taxes required to be paid by Grantee as set forth in the Offer. Taxes and rent will be prorated as of the date of delivery of the deed (or the assignment of lease, as applicable) from the title company to the Grantor. Upon receipt from Grantor of written notice that the title is not acceptable, Grantee shall use commercially reasonable efforts to cure such title objections by the closing, including, without limitation, insuring against or providing a bond or suitable escrow for, any lien or other encumbrance that represents a liquidated amount or sum of money. No objection shall be made to any encumbrance that was set forth as a permitted encumbrance for the Premises in the deed from Grantor to Grantee. In no case shall Grantee be required to convey any interest in the Premises greater than the interest it is vested in. If Grantee is unable to cure the title to Grantor's satisfaction, Grantor may elect not to purchase the Premises, in which case the title company shall return the deed (or assignment of lease) to Grantee, and the earnest money to Grantor. If Grantor elects to not exercise its Right of First Refusal for any reason, Grantee may

sell the Premises under the terms described in the notice of the Offer provided to Grantor. Any proposed sale of the Premises under different terms than those described in such notice of the Offer is subject to the Right of First Refusal provisions described herein.

This Right of First Refusal shall not apply to (i) Grantee's sale of a Premises to an affiliate of Grantee or to a Third-Party, provided, as part of such transaction Grantee concurrently leases back and operates such Premises from the affiliate or Third-Party or (ii) any sale or lease of a Premises to an affiliate of Grantee.

[REDACTED]

Sec. 14-311. - Intent.

The intent of this article is to provide for the regular and systematic inspection of commercial, industrial, office and multifamily institutional properties within the city to ensure compliance with city codes pertaining to those sites, and specifically to assure that the improvements required on the final development (site) plan are properly maintained. The program contains specific criteria on which to evaluate maintenance, and guidelines for the correction of code and maintenance deficiencies.

(Code 1981, § 6-320)

Sec. 14-313. - Inspections, enforcement, appeals.

(a) *Inspections.* The standards of this article shall be maintained at all times. The city shall inspect all commercial properties on a regular basis to determine compliance with this section.

(b) *Enforcement.* Upon determination of violation, a written report explaining the violation and necessary remedies shall be sent to the property owner, outlining an appropriate time frame for compliance. This compliance plan should take into account:

- (1) The amount of improvements required.
- (2) The size of the business involved.
- (3) The overall upkeep of the property outside of the area of violation.
- (4) The importance of deficiencies based on safety and buffering concerns.

If the violator does not voluntarily comply with the terms of the compliance plan within such reasonable period of time as established by the code inspector, the matter shall be referred to the first available agenda of the code enforcement board by the code inspector. The code enforcement board shall have jurisdiction to enforce the provisions of this article.

(c) *Appeals.* Any appeal from the terms of the compliance plan shall be filed with the administrative official within 15 days of the issuance of the violation report. Appeals shall be heard by the planning commission, which may alter the terms of the plan based on the criteria of subsection (b) above or the following additional criteria:

- (1) The sufficiency of existing landscape material to meet the intent of the code.
- (2) The extent that site improvement conditions reflect acceptable wear and tear as opposed to functional deficiency.
- (3) Other extenuating circumstances, outside of the cost of compliance itself, suggesting

different terms of compliance.

(Code 1981, § 6-321(a)—(c))

Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of

development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.

- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316.
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.
 - (3) Reasonable growth shall be based on accepted industry standards.
 - (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
 - (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
 - (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
 - (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

Sec. 14-315: - Same—Replacement criteria.

(a)

Landscape plantings. When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.

- (b) *Buffer plantings.* When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material:
- (1) Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms).
 - (2) Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms).
 - (3) Replacement shrubs will be no larger than four feet in height.
- (c) *Natural areas.* When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection (b) above shall apply.

(Code 1981, § 6-323)

Sec. 14-317 - Parking, sidewalk and driveway areas.

(a) *Maintenance criteria.*

- (1) *Parking lot striping, fire lane and traffic control markings.* All striping and markings required by the original site plan, the Manual of Uniform Traffic Control Devices (MUTCD), or other city codes must meet minimum visibility standards and shall conform to the design standards of the MUTCD.
- (2) *Traffic and parking control signage.* All signage required by the site plan, the MUTCD, and other city codes shall be maintained according to accepted standards.
- (3) *Pavement surfaces.* All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.

- (4) *Storage of products or materials.* Designated parking, sidewalk and driveway areas shall not be used for the storage or sale of products or materials of any type. Products or materials unloaded in designated service areas and loading zones shall be moved indoors or into approved outside storage areas within 24 hours.

(b) *Construction standards:*

- (1) All maintenance activities shall utilize materials and specifications equal to or exceeding those required for new construction of similar facilities.
- (2) All traffic sign installations shall conform to the standards of the MUTCD.

(Code 1981, § 6-325)

Sec. 14-318. - Other property improvements; maintenance criteria.

- (a) *Drainage and utility improvements.* All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:

- (1) Replacement of broken pipes, inlets, curbs and other structures.
- (2) Cleaning of blocked and clogged drainage structures.
- (3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.

- (b) *Signs.* All signs shall be maintained based on chapter 15 of the land development code of the city as follows:

- (1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the city building code, electrical codes, all other applicable codes, ordinances or requirements.
- (2) All copy shall be maintained so as to be legible and complete.
- (3) Signs shall be maintained in vertical position unless originally permitted otherwise, and in good and safe condition at all times.
- (4) Damaged faces or structural members shall be replaced.
- (5) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

- (c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:

- (1) Fences and walls shall be painted, stained or otherwise maintained as originally

designed.

- (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
- (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

(d) Trash, litter and debris All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

(Code 1981, § 6-326)

Case Cost Sheet Log

Case No. 17-114

Name	Activity	Activity_Date	Status	Cost
Steven Husmann	Costs to mail Notice of Violation and Notice of Hearings (Regular and Certified Mail) to 6087 Jasmine Vine Drive, Port Orange, FL 32128	02/02/2017	Certified mail returned, "Unclaimed"; regular mail not returned	\$7.44
Alice Husmann	Costs to mail Notice of Violation and Notice of Hearings (Regular and Certified Mail) to 6087 Jasmine Vine Drive, Port Orange, FL 32128	02/02/2017	Nothing returned to date	\$7.44

Total: 14.88



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-114

To: Steven J. & Alice A. Husmann
Re: 6087 Jasmine Vine Dr
Port Orange, FL 32128
Parcel ID: 6330-06-00-1150
LEGAL DESCRIPTION: LOT 115 THE SANCTUARY ON SPRUCE CREEK PHASE I MB 45 PGS48-51 INC PER OR 5245 PG 3327 PER OR 5570 PG 0701
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 24, 2017, 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 February 28, 2017.

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 January 24, 2017. During that inspection, I observed trees that have fallen over and are being held up by other trees. This a health and safety issue. If the trees fall to the ground, they threaten the sidewalk and the street. To correct the violation, all fallen or down trees must 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 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 March 8, 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 **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 \$ 14,168 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 March 8, 2017, 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 April 26, 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) 506-5641.

DATED this 31 day of January, 2017.

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 Steven J. & Alice A. Husmann, RE: 6087 Jasmine Vine Dr, Port Orange, FL 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 31st day of January, 2017.

Time: approx. 3:27 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 Steven J. & Alice A. Husmann, RE: 6087 Jasmine Vine Dr, Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1st day of February, 2017.



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.

Prepared by:
Surfside Title Services, Inc.
302 Dunlawton Avenue
Port Orange, Florida 32127

06/07/2005 11:16 AM
Doc stamps 2012.50
(Transfer Amt \$ 287500)
Instrument# 2005-148368 # 1
Book: 5570
Page: 701
Diane M. Matousek
Volusia County, Clerk of Court

File Number: 11518

Warranty Deed

Made this May 31, 2005, by **Carlos J. Andrade, a single man**, hereinafter called the grantor, to **Steven J. Husmann and Alice A. Husmann, husband and wife**, whose post office address is: 6087 Jasmine Vine Circle
Polt Orange, Florida 32128, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$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 115, The Sanctuary on Spruce Creek, Phase I, according the map or plat thereof, as recorded in Map Book 45, Pages 48 through 51, inclusive, of the Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, the mention of which shall not serve to reimpose the same and all zoning ordinances affecting the property.

Parcel ID Number:

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2004.

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

Signed, sealed and delivered in our presence:

Barbara Meegan
Witness Printed Name: Barbara Meegan

Carlos J. Andrade (Seal)
Carlos J. Andrade

Lisa M. Demint
Witness Printed Name: Lisa M. Demint

(Seal)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this May 31, 2005, by Carlos J. Andrade, a single man, who has produced drivers license as identification.

Barbara Meegan
Notary Public
Print Name: _____
My Commission Expires: _____



Barbara Meegan
MY COMMISSION # BD253755 EXPIRES
January 29, 2008
BONDED THRU TROY FAIR INSURANCE, INC.


**Volusia County
Property Appraiser**

Larry Bartlett, J.D.

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Home Search Choices Search By Location Address **Property Information**

Parcel Information: 6330-06-00-1150 **2017 Working Tax Roll** Last Updated: 01-28-2017

Owner Name and Address

Alternate Key	5568318	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6330-06-00-1150	Mill Group	602 Port Orange
Full Parcel ID	30-16-33-06-00-1150	2016 Final Mill Rate	21.69580
Created Date	31 OCT 1995		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	HUSMANN STEVEN J & ALICE A		
Owner Name/Address 1			
Owner Address 2	6087 JASMINE VINE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32128		
Situs Address	6087 JASMINE VINE DR PORT ORANGE 32128		

Legal Description
LOT 115 THE SANCTUARY ON SPRUCE CREEK PHASE I MB 45 PGS48-51 INC PER OR 5245 PG 3327 PER OR 5570 PG 0701

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5570 0701	05/2005	Warranty Deed	Qualified Sale	Yes	287,500
5245 3327	01/2004	Warranty Deed	Qualified Sale	Yes	200,000
4463 3435	08/1999	Warranty Deed	Qualified Sale	Yes	150,000
4106 1786	05/1996	Warranty Deed	Qualified Sale	Yes	124,990

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	32,500	170,924	379	203,803	147,106	147,106	25,000	122,106	25,000	97,106
2015	32,500	159,018	410	191,928	146,083	146,083	25,000	121,083	25,000	96,083

[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		0.0	0.0	1.00	LOT	32500.00	100	100	100	100	32,500
Neighborhood	4830 THE SANCTUARY ON SPRUCE CREEK										
											Total Land Classified
											0
											Total Land Just
											32,500

Building Characteristics
Building Number: 174042 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
174042	Single Family	216	1996	350		10%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	1	5 Fixture Bath		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		
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	1996	N	0%	0%	2151 Sq. Feet
003 Porch, Open Finished (FOP)		Non-Applicable	1.0	1996	N	0%	0%	52 Sq. Feet
004 Finished Garage (FGR)		Non-Applicable	1.0	1996	N	0%	0%	504 Sq. Feet
005 Patio (PTO)		Non-Applicable	1.0	1997	N	0%	0%	132 Sq. Feet
006 Porch, Screened Finished (FSP)		Non-Applicable	1.0	1996	N	0%	0%	170 Sq. Feet

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)

Case Cost Sheet Log

Case No. 17-124

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law, and Order	03/08/2017		\$27.00
Shelley Liga, 26 Golden Gate Circle, Port Orange, FL 32129	Costs to mail Finding of Fact, Conclusion of Law, and Order (Regular and Certified Mail) to 26 Golden Gate Circle, Port Orange, FL 32129	03/08/2017		\$7.02

Total: 34.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-124

To: Shelley Liga
Re: 26 Golden Gate Circle
Port Orange, FL 32129

Parcel ID: 6308-02-00-0260

LEGAL DESCRIPTION: LOT 26 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 5007 PG 4243 PER OR 5420 PGS 3358-3359 PER OR 6316 PG 4390

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 27, 2017, 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 February 15, 2017.

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

- **City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. - Cleanliness of property generally—Duty of owner. (f)**
 - All trash and debris must be cleaned up and disposed.
- **City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32. - Storage of vehicles, furniture, etc.**
 - All outside storage must be properly stored in an enclosed building.
- **City of Port Orange Code of Ordinances Chapter 70, Article 2, Section 70-48. Parking of recreational vehicles and equipment on residential premises (c) (1) & (2) and (e)**
 - The camping trailer must be properly parked behind the front plane of the home and cannot be used for living purposes.
- **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 304.7 Roofs and drainage**
 - The tarp on the roof needs to be removed and the roof needs to be repaired.

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 March 8, 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 **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 \$ 0 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.

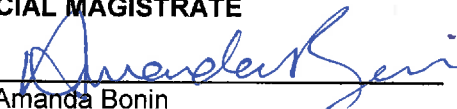
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 8, 2017**, 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 **April 12, 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 2nd day of February, 2017.

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 Shelley Liga 26 Golden Gate Circle Port Orange, FL 32129, RE: 26 Golden Gate Circle Port Orange, FL 32129, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Michelle Webb

this 2nd day of February, 2017.

Time: approx. 3:30pm

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 Shelley Liga 26 Golden Gate Circle Port Orange, FL 32129, RE: 26 Golden Gate Circle Port Orange, FL 32129, was

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

this 16th day of Feb., 2017.

Adrian Henrich
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

Larry Bartlett, J.D.

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Parcel Information: 6308-02-00-0260 2017 Working Tax Roll Last Updated: 01-28-2017

Owner Name and Address

Alternate Key	3599101	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6308-02-00-0260	Mill Group	402 Port Orange
Full Parcel ID	08-16-33-02-00-0260	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	LIGA SHELLEY		
Owner Name/Address 1			
Owner Address 2	26 GOLDEN GATE CIR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	26 GOLDEN GATE CIR PORT ORANGE 32129		

Legal Description
 LOT 26 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 5007 PG 4243 PER OR 5420 PGS 3358-3359 PER OR 6316 PG 4390

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6316 4390	01/2009	Quit Claim Deed	Unqualified Sale	Yes	100
5420 3358	10/2004	Quit Claim Deed	Unqualified Sale	Yes	30,000
5007 4243	01/2003	Warranty Deed	Unqualified Sale	Yes	10
3104 1424	02/1988	Unknown	Unqualified Sale	Yes	100
2786 1778	02/1986	Quit Claim Deed	Multi parcel sale	Yes	100

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	4,820	21,886	697	27,403	21,428	21,428	21,428	0	0	0
2015	4,820	18,782	707	24,309	21,279	21,279	21,279	0	0	0

[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	0.0	0.0	1.00	LOT	4820.00	100	100	100	100	4,820
Neighborhood 5990 TWINGATES M-H ESTATES MB33-48											
Total Land Classified											0
Total Land Just											4,820

Building Characteristics
Building Number: 112854 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112854	Mobile Home	142	1980	200		63%	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 Nonducted	Heat Source1	Gas		2 Fixture Bath	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		0
Foundation	Wd Conc Piers	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
004	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1980	N	0%	0%	798 Sq. Feet
005	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1980	N	0%	0%	528 Sq. Feet
006	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1980	N	0%	0%	261 Sq. Feet

Prepared By: Mr. Peter Robert Liza
111 Pine Street
Port Jefferson Station, N.Y. 11776

QUIT CLAIM DEED

Property Appraiser's Parcel Identification No: 08-16-33-02-00-0260

This Quit Claim Deed, Executed this 6th day of January, 2009

By (first party) Peter Robert Liza

To (second party) Shelley Liza

Whose post office address is 26 Golden Gate Cir. Port Orange, FL 32122

(wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, whenever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$0.00 in hand paid by the said party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel land, situate, lying and being in the County of Volusia, State of Florida
To Wit:

To have and to hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

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

Signed, sealed, and delivered in the presence of:

Witness Signature as to First Party

HAKE MUEKAS
Printed Name

Gloria Muekas
Witness Signature as to First Party

Gina Bechtold
Printed Name

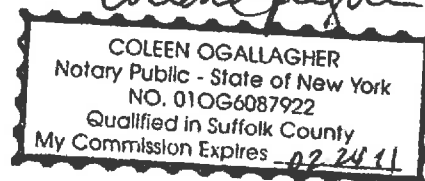
Lee Bu

Peter Robert Liza
Signature of First Party
Peter Robert Liza
Printed Name

111 Pine Street
Post Office Address

Port Jefferson Station, New York 11776

Acknowledgment taken 1/6/09
for Peter Robert Liza
Coleen Ogallagher



LT 26 TWIN GATES MOBILE
EST OR 2786
Pg. 1778

(OVER)

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)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Sec. 70-48. - Parking of recreational vehicles and equipment on residential premises.

- (a) For the purpose of this section, "recreational vehicle or equipment" means any vehicle, motorized equipment or equipment customarily towed behind a motor vehicle, which is designed, intended, or used for recreational purposes, including but not limited to, boats, boat trailers, travel trailers, truck campers or motor homes and camping trailers as defined in F.S. § 320.01(1)(b). "Recreational vehicle or equipment" shall not include a private motorcoach as defined in F.S. § 320.01(1)(b)5.
- (b) For the purpose of this section, "front plane of a dwelling unit" means the plane of the longest front facade parallel or nearly parallel to the front lot line.
- (c) No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following:
 - (1) In an enclosed building or a completely enclosed garage.
 - (2) Behind the front plane of a dwelling unit.
 - (3) Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading.

The recreational vehicle or equipment shall be measured along the centerline from the front to the rear of the vehicle or equipment and shall include all appurtenances, accessories and attachments, including but not limited to the trailer tongue, inboard and/or outboard engine, and engine trailer assembly.

- (d) When a recreational vehicle or equipment is stored or when parked for maintenance, loading and unloading, the recreational vehicle engine or associated equipment engine shall not be operated between the hours of 9:00 p.m. and 7:00 a.m. Subsection (c)(3) shall not be construed to prohibit the arrival and departure of recreational vehicles to and from the driveway of the residence.
- (e) No recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- (f) No recreational vehicles and equipment shall be parked on the right-of-way adjoining the residential premises.

(Ord. No. 1993-40, § 2, 9-28-93; Ord. No. 1996-9, § 1, 4-16-96; Ord. No. 2001-48, § 2, 7-24-01)

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. 17-139

Name	Activity	Activity_Date	Status	Cost
Eva Ivie	Costs to mail Notice of Violation and Notice of Hearings to 27 Golden Gate Circle, Port Orange, FL 32129 (Regular and Certified Mail)	02/07/2017	Green card returned with signature (illegible) dated 2/9/17.	\$7.44
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law, and Order	03/08/2017		\$27.00
Eva Ivie	Costs to mail Finding of Fact, Conclusion of Law & Order to 27 Golden Gate Circle, Port Orange, FL 32127 (Regular and Certified Mail)	03/08/2017		\$7.44

Total: 41.88



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-139

To: Eva Ivie
Re: 27 Golden Gate Circle
Port Orange, FL 32129

Parcel ID: 6308-02-00-0270

LEGAL DESCRIPTION: LOT 27 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4080 PG 3057

Volusia County Public Records

Volusia County, FL

An inspection of the premises on January 27, 2017, 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 February 15, 2017.

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

- **City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. - Cleanliness of property generally—Duty of owner. (f)**
- All trash and debris must be cleaned up and disposed.
- **City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32. - Storage of vehicles, furniture, etc.**
- All outside storage must be properly stored in an enclosed building.

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 March 8, 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 **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 \$ 6,607 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.

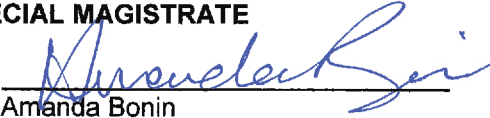
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 8, 2017**, 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 **April 12, 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 2nd day of February, 2017.

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 Eva Ivie 27 Golden Gate Circle Port Orange, FL 32129, RE: 27 Golden Gate Circle Port Orange, FL 32129, was

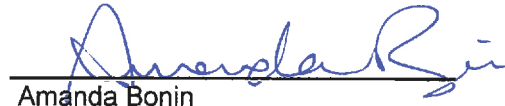
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 2nd day of February, 2017.

Time: approx. 3:50 pm


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Eva Ivie 27 Golden Gate Circle Port Orange, FL 32129, RE: 27 Golden Gate Circle Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 7th day of Feb., 2017.


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

Larry Bartlett, J.D.

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Parcel Information: 6308-02-00-0270 2017 Working Tax Roll Last Updated: 01-28-2017

Owner Name and Address

Alternate Key	3599110	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6308-02-00-0270	Mill Group	402 Port Orange
Full Parcel ID	08-16-33-02-00-0270	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate	Ownership Percent	100
Owner Name	IVIE EVA K		
Owner Name/Address 1			
Owner Address 2	27 GOLDEN GATE CIR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	27 GOLDEN GATE CIR PORT ORANGE 32129		

Legal Description
 LOT 27 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4080 PG 3057

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4080 3057	02/1996	Warranty Deed	Qualified Sale	Yes	36,500
3795 1194	12/1992	Warranty Deed	Qualified Sale	Yes	30,000
2507 1507	11/1983	Quit Claim Deed	Multi parcel sale	Yes	100
2213 1864	11/1980	Warranty Deed	Qualified Sale	Yes	8,250
1861 1196	10/1976	Warranty Deed	Unqualified Sale	No	352,000

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	4,820	21,174	697	26,691	20,244	20,244	20,244	0	0	0
2015	4,820	18,167	738	23,725	20,103	20,103	20,103	0	0	0

[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	0.0	0.0	1.00	LOT	4820.00	100	100	100	100	4,820
Neighborhood 5990 TWINGATES M-H ESTATES MB33-48											
Total Land Classified											0
Total Land Just											4,820

Building Characteristics
Building Number: 112855 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112855	Mobile Home	120	1982	225	Manufactured Home	61%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet		Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type	Wd Panel/Custom		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	1982	N	0%	0%	864 Sq. Feet
002	Unfinished Utility (UST)	Non-Applicable	1.0	1982	N	0%	0%	77 Sq. Feet
004	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1982	N	0%	0%	64 Sq. Feet

6.00
255.50

This Warranty Deed

02/26/1996 17:05
Doc stamps 255.50
(Transfer Amt \$ 36500)
Instrument # 96030907
Book: 4080
Page: 3057
Diane M. Matousek
Volusia County, Clerk of Court

Made this 23rd day of February A.D. 19 96
by Michelle L. Paone f/k/a Michelle L. Tainish, a single woman and Alfonso Giammarco and Ida Giammarco, husband and hereinafter called the grantor, to wife Eva K. Ivie, A Single Woman

whose post office address is:
27 Golden Gate Circle
Port Orange, Florida 32119

hereinafter called the grantee;

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

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

Volusia County, Florida, viz:
Lot Twenty-Seven (27), Twingates Mobile Estates Subdivision, according to plat thereof as recorded in Map Book 33, Page 48, Public Records of Volusia County, Florida.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Together with that certain Double-Wide Glen M.H. ID#'s FLFL2A [REDACTED] & FLFL2B [REDACTED]

Subject to a mortgage in favor of Princeton Financial Corp., a Delaware Corporation which the grantee assumes and agrees to pay by their acceptance and recording of these presents.

Parcel Identification Number: 6308-02-00-0270

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 19 95

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

Signed, sealed and delivered in our presence:

Diane E. Brooker
Name: Diane E. Brooker
Witness: Diane E. Brooker

Charles L. Strickland
Name: Charles L. Strickland
Witness:

Name: _____

Name: _____

Michelle L. Paone LS
Name & Address: Michelle L. Paone f/k/a

Michelle L. Tainish

Alfonso Giammarco LS
Name & Address: Alfonso Giammarco

Ida Giammarco LS
Name & Address: Ida Giammarco

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 23rd day of February, 19 96, by

Michelle L. Paone f/k/a Michelle L. Tainish, a single woman and Alfonso Giammarco and Ida Giammarco, husband and wife

who is personally known to me or who has produced

driver's license as identification.

Diane E. Brooker

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)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

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	Green card signed (undated) by Paul Simondac	\$7.34
Country Manor Assisted Living	Cost to mail Continuances (2) of 1/30/17 and 2/8/17	02/08/2017		\$0.92
Clerk of Court	Cost to Record Order Imposing Fine/Lien	03/08/2017		\$44.00
Clerk of Court	Cost to record Affidavit of Compliance	03/08/2017		\$18.50
Country Manor Assisted Living	Cost to mail Order Imposing Fine/Lien to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	02/22/2017		\$7.44

Total: 112.54



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 \$ 16100 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

Recipient of hand delivered documents: _____

☐ Posted at the property

this 20th day of October, 2016.

Time: approx. 3:47 pm

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.

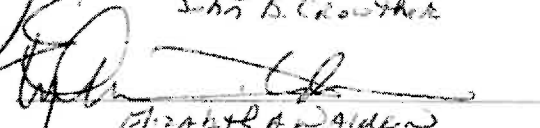
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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)

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1140

Recorded in the Public Records:
Instrument # 2016 232 770 12/16/16 @ 10:35 a.m.
Book: 7338 Page: 2241

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

COUNTRY MANOR ASSISTED LIVING
1152 Old Hammock Road, Port Orange, FL 32129
PARCEL ID: 6305-04-00-0021

Respondent.

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

THIS CAUSE came for public hearing before the Code Enforcement Special Magistrate on December 14, 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, COUNTRY MANOR ASSISTED LIVING, (hereinafter referred to as "Respondent", whose mailing address is 3101 Archer Avenue, Orlando, FL 32833, is the owner of the property located at 1152 Old Hammock Road, Port Orange, FL 32129, and more particularly described as:

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

B. The entire property needs to be mowed and all high weeds and grass trimmed, as well as removing all garbage, trash, junk, and debris from the entire property. This condition was first observed at the real property described above on October 18, 2016; re-inspections were made on November 29, 2016 and December 13, 2016 and confirmed the condition as being the same. Respondent(s) received notice via property posting on October 20, 2016, as well as certified mail and posting at City Hall on October 21, 2016, that the aforesaid conditions constituted a violation of Section 42-26 -Cleanliness of property generally-duty of owner (c) and (f) of the City of Port Orange Code of Ordinances, and was to be corrected immediately as this is a repeat violation.

C. At the time of this hearing, the violations cited above: ☒ continued 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, by reason of the foregoing, has violated the above referenced code, in that the Respondent failed, on or before the date set in the notice of repeat violation, to remedy the conditions as stated, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

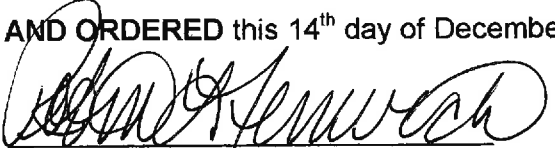
A. Respondent shall correct the aforesaid repeat violation by mowing the entire property and trimming all high weeds and grass and removing all trash and debris on site including lawn/tree debris immediately. If paragraph D. above is checked and the Respondent(s) does not abate the condition immediately, then notice of the violation will be given to the City Council and the City shall have the option to abate the violations. 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 14th day of December, 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), COUNTRY MANOR ASSISTED LIVING, 3101 Archer Avenue, Orlando, FL 32833 by Certified and Regular Mail this 14 day of December, 2016.

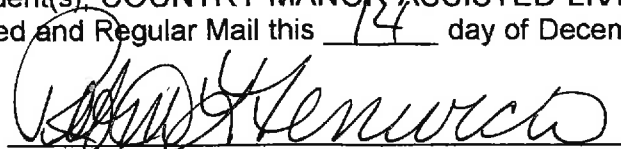
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

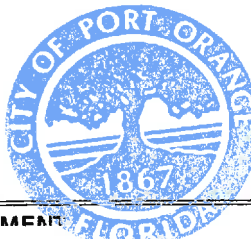
This document has/has not been redacted pursuant to Florida Law.

This 15 day of December, 2016.

By: 

/s/ Robin L. Fenwick


Secretary, Code Enforcement Special Magistrate





CITY OF PORT ORANGE

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

January 30, 2017

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

RE: CEB Case Nos.: 16-1695 & 16-1140
Property Address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir/Madam:

You are hereby notified that Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, February 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE (386) 506-5500
www.port-orange.org

February 24, 2017

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

Re: CEB Case Nos.: 16-1695 & 16-1140
Property address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir or Madam:

You are hereby notified that the Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, March 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have any questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor

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	Green card signed (undated) by Paul Simondac	\$7.34
Clerk of Court	Fee to record Order Imposing Fine/Lien	03/08/2017		\$44.00
Clerk of Court	Fee to record Affidavit of Compliance	03/08/2017		\$18.50
Country Manor Assisted Living	Cost to mail Order Imposing Fine/Lien and Affidavit of Compliance to 3101 Archer Avenue, Orlando, FL 32833 (via regular & certified mail)	03/08/2017		\$7.44

Total: 111.62



**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.

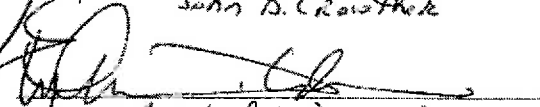
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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

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.

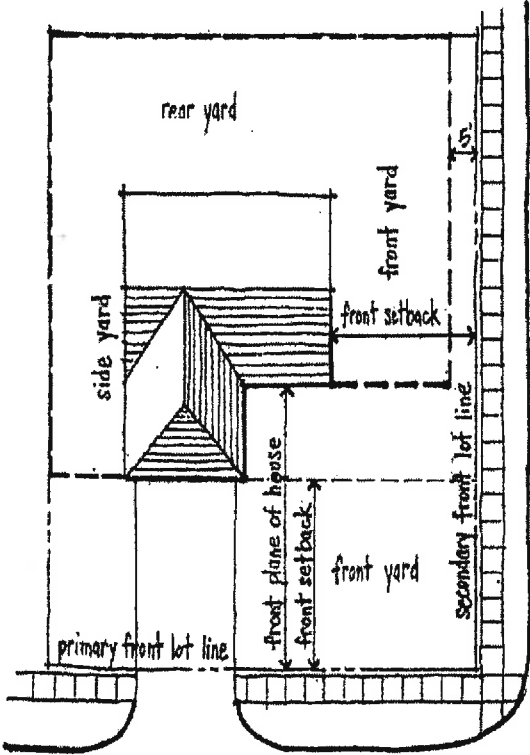
- (8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance 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

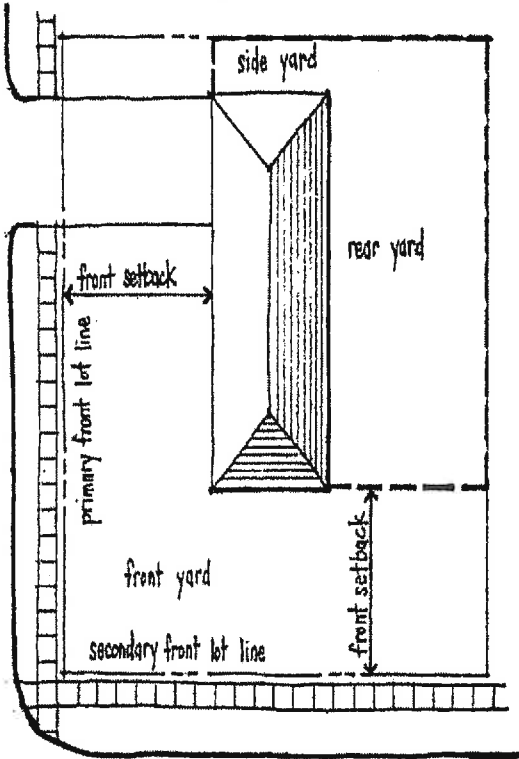
shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure



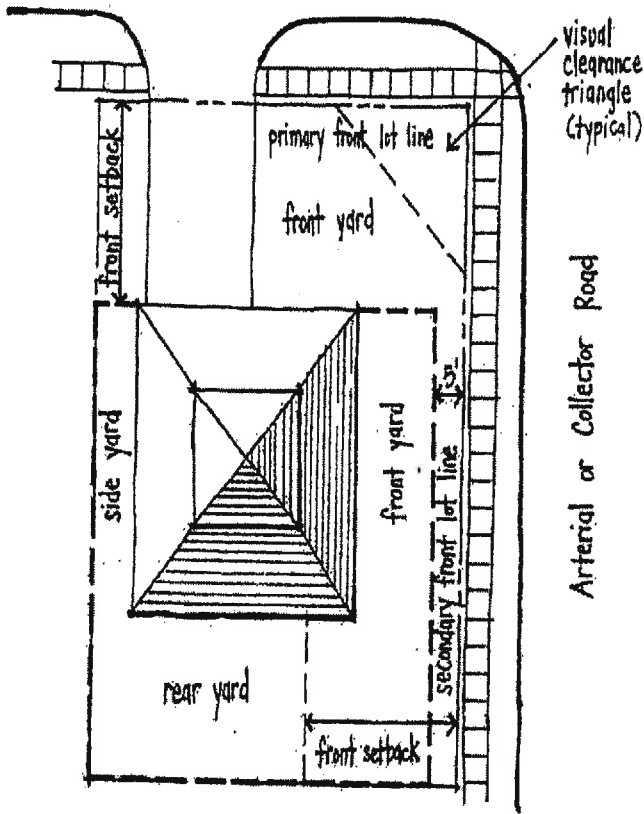
Local Street

Conforming Lot & Structure



Arterial or Collector Road

Local Street



Arterial or Collector Road

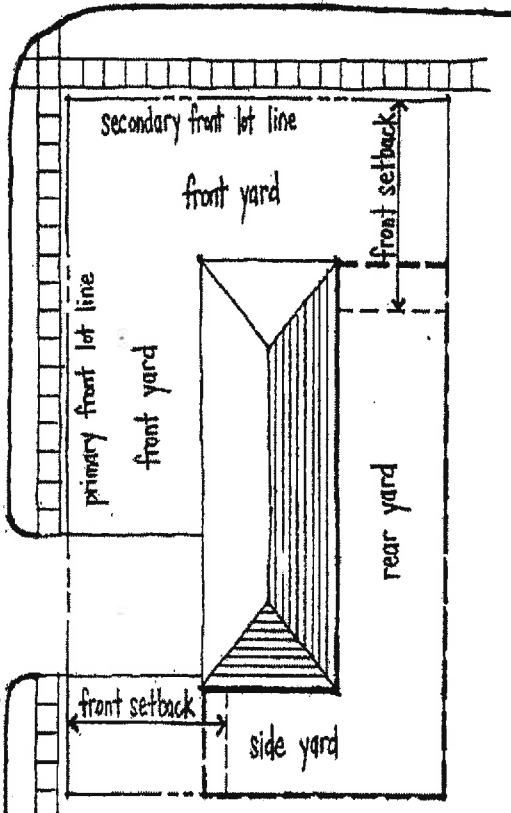


figure16A

- (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,

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1695**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2016 232 768 12/16/16 @ 10:35 a.m.
Book: 7338 Page: 2235

Petitioner,

COUNTRY MANOR ASSISTED LIVING
1152 Old Hammock Road, Port Orange, FL 32129
PARCEL ID: 6305-04-00-0021

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 December 14, 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), COUNTRY MANOR ASSISTED LIVING, (hereinafter referred to as "Respondent(s)", whose mailing address is 3101 Archer Avenue, Orlando, FL 32833, is/are the owner(s) of the property located at 1152 Old Hammock Road, Port Orange, FL 32129, and more particularly described as:

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

B. The fence separating this property from the residential neighborhood needs to be repaired/replaced as it is rotting and the fence is falling apart; the screened enclosure in the rear of the building has been damaged and is deemed an unsafe structure and needs to be removed or repaired; and all broken windows on the structure need to be repaired or replaced. These conditions were first observed at the real property described above on October 18, 2016; re-inspections were made on November 10, 2016, November 29, 2016 and December 13, 2016, and confirmed the condition as being the same. Respondent(s) received notice via property posting on October 20, 2016, as well as certified mail and posting at City Hall on October 21, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls (b) General provisions (4) Design and maintenance, (b) and (c); 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; and 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, and was to be corrected by November 10, 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:

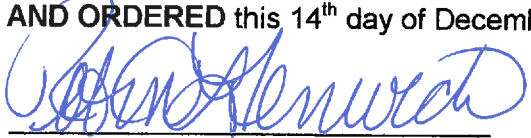
A. Respondent(s) shall correct the aforesaid violation by repairing/replacing the fencing that separates the residential area of Brandy Hills from the assisted living property as it is rotting and the fence is falling apart (a building permit is required); removing/replacing/repairing the screened enclosure in the rear of the building (a building permit is required if replacing); and repairing or replacing the broken and/or missing windows on the building (a building permit is required) on or before December 28, 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 notice of the violation will be given to the City Council and the City shall have the option to abate the violations. 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 14th day of December, 2016.

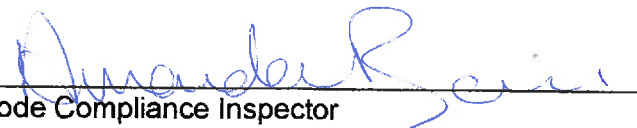
Attest:


Secretary, Code Enforcement Special Magistrate

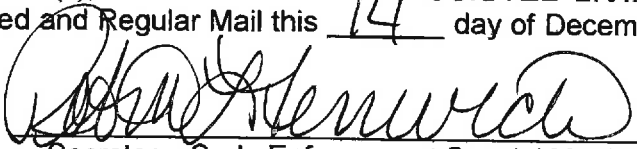
By:

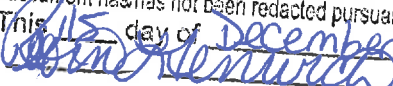

Code Enforcement Special Magistrate

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), COUNTRY MANOR ASSISTED LIVING, 3101 Archer Avenue, Orlando, FL 32833 by Certified and Regular Mail this 14 day of December, 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 15 day of December, 2016.
By: 



/s/ Robin L. Fenwick



CITY OF PORT ORANGE

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

January 30, 2017

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

RE: CEB Case Nos.: 16-1695 & 16-1140
Property Address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir/Madam:

You are hereby notified that Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, February 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor



CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129
TELEPHONE (386) 506-5500
www.port-orange.org

February 24, 2017

Country Manor Assisted Living
3101 Archer Avenue
Orlando, FL 32833

Re: CEB Case Nos.: 16-1695 & 16-1140
Property address: 1152 Old Hammock Road
Port Orange, FL 32127

Dear Sir or Madam:

You are hereby notified that the Code Enforcement Case Nos. 16-1695 and 16-1140 have been continued. Your cases have been rescheduled to Wednesday, March 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have any questions regarding this, please contact Amanda Bonin, Code Compliance Inspector at (386) 506-5616.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

Cc: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor

Case Cost Sheet Log

Case No. 16-1457

Name	Activity	Activity_Date	Status	Cost
Terri G. Curatolo	Cost to mail the Notice of Violation/Notice of Hearings (via certified & regular)	11/30/2016	Regular mail returned unclaimed; Certified mail not returned or signed for	\$7.34
The Bank of New York Mellon	Cost to mail the Notice of Violation/Notice of Hearings (via certified & regular)	11/30/2016	Green card signed on 12/5/16	\$7.34
Clerk of Court	Cost to record Finding of Fact, Conclusion of Law & Order	01/11/2017		\$27.00
Terri G. Curatolo	Cost to mail Finding of Fact, Conclusion of Law & Order (via certified & regular mail)	01/11/2017	Certified mail returned unclaimed	\$7.34
The Bank of New York Mellon	Cost to mail Finding of Fact, Conclusion of Law & Order (regular mail)	01/11/2017		\$0.46
Clerk of Court	Cost to record Order Imposing Fine/Lien	03/08/2017		\$44.00
Terri G. Curatolo	Cost to mail the Order Imposing Fine/Lien (Certified and Regular Mail)	03/08/2017		\$7.44
The Bank of New York Mellon	Cost to mail the Order Imposing Fine/Lien (Certified and Regular Mail)	03/08/2017		\$7.44

Total: 108.36



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1457

To: Terri G. Curatolo
Property Owner
707 Paddock Club Drive
Panama City Beach, FL 32047

Re: 3640 Scott Street
Port Orange, FL 32129
Parcel ID: 6337-07-04-0090
LEGAL DESCRIPTION: LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 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 November 15, 2016, resulting in non-compliance.

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

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

1. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.1 (Swimming Pools), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
 - Inspection revealed that the pool is green and has debris inside it. A cover was placed on the pool at one time but the materials are rotting and the wire meshing is coming up which has caused exposed areas in the cover where someone could fall in. The cover needs to be replaced or repaired with effective materials so that there are no exposed areas.
2. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: ...No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
 - Inspection revealed that the enclosure does have locking mechanisms but there are large areas where the screen is out which could be easily accessible by children. The screened areas must be repaired in such a way that a child could not access the pool by climbing through the broken areas and fall through the cover.
3. 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.

- While on the property, I noticed a lot of yard debris to include fallen limbs and trees and high weeds. The property needs to be cleaned up in its entirety to include mowing of yard, weed eating, and trimming of any and all high weeds and removing all yard debris.

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 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 **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 **January 11, 2017**, 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 **February 22, 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 29th day of November, 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 Terri G. Curatolo, Property Owner, 707 Paddock Club Drive, Panama City Beach, FL 32047, RE: 3640 Scott Street, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 29th day of November, 2016.

Time: approx. 11:35 AM

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 Terri G. Curatolo, Property Owner, 707 Paddock Club Drive, Panama City Beach, FL 32047, RE: 3640 Scott Street, Port Orange, FL 32129 and also to the following:

The Bank of New York Mellon, FKA The Bank of New York, as Trustee for the Certificate Holders of CWALT Inc., Alternative Loan Trust 2005-84, Mortgage Pass-Through Certificates, Series 2005-84, 101 Barclay Street-4W, New York, NY 10286 was

☐ Posted at City Hall

☒ Sent via certified and regular

this 30 day of Nov., 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: 6337-07-04-0090 **2017 Working Tax Roll** Last Updated: 11-27-2016

Owner Name and Address

Alternate Key	3683145	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-07-04-0090	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-07-04-0090	2016 Final Mill Rate	20.05190
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	CURATOLO TERRI G		
Owner Name/Address 1			
Owner Address 2	707 PADDOCK CLUB DR		
Owner Address 3	PANAMA CITY BEACH FL		
Owner Zip/Postal Code	32047		
Situs Address	3640 SCOTT ST PORT ORANGE 32129		

Legal Description
LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5128 2097	07/2003	Warranty Deed	Qualified Sale	Yes	146,000
2055 1131	03/1979	Warranty Deed	Qualified Sale	Yes	59,500
1923 1813	08/1977	Warranty Deed	Qualified Sale	Yes	44,000

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	22,315	98,947	12,252	133,514	133,514	133,514	0	133,514	0	133,514
2015	22,315	90,080	12,085	124,480	124,480	124,480	0	124,480	0	124,480

[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	109.0	84.00	FRONT FEET	279.99	95	100	100	100	22,315
Neighborhood 5276 BEACON WOODS, UNITS 1 THRU 5											
Total Land Classified											0
Total Land Just											22,315

Building Characteristics
Building Number: 120232 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120232	Single Family	194	1977	300		27%	0%	0%	2999
Roof Type	GABLE	Floors		Carpets	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	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)	C B STUCCO	1.0	1977	N	0%	0%	1605 Sq. Feet
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	1977	N	0%	0%	116 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1977	N	0%	0%	549 Sq. Feet
004	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1998	N	0%	0%	144 Sq. Feet

Dustin C. Shaffer
Waterside Title Co.
640 Dunlawton Ave.
Port Orange, FL 32127

07/31/2003 09:28 AM
Doc stamps 1022.00
(Transfer Amt \$ 146000)
Instrument# 2003-185114
Book: 5128
Page: 2097
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6337-07-04-0090

Warranty Deed

This Indenture, Made this 21st day of July, 2003 A.D., Between
Lila L. Parks, a single woman

of the County of Volusia, State of Florida, grantor, and
Joseph A. Curatolo and Terri G. Curatolo, husband and wife

whose address is: 3640 Scott St., Port Orange, FL 32129

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

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEEES, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEEES and GRANTEEES' heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Volusia State of Florida to wit:

Lot 9, Block 4, BEACON WOODS UNIT #3, according to the plat thereof,
recorded in Map Book 34, Page(s) 104 of the Public Records of Volusia
County, Florida.

Subject to restrictions, reservations and easements of record, if any,
and taxes subsequent to 2002.

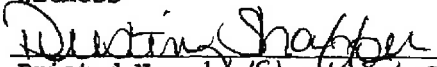
and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

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

Signed, sealed and delivered in our presence:


Printed Name: Margaret M. Patchett
Witness

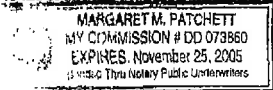

Lila L. Parks (Seal)
P.O. Address: 136 Fairview Ave #505, Daytona Beach, FL 32114

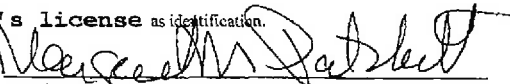

Printed Name: Dustin Shaffer
Witness

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 21st day of July, 2003 by
Lila L. Parks, a single woman

she is personally known to me or she has produced her U.S. driver's license as identification.




Printed Name: Margaret M. Patchett
Notary Public
My Commission Expires:

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

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).

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. 16-1457**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Re-recorded to include Page 3: Certification
of a true and correct copy of the Finding
of Fact, Conclusion of Law and Order.

Petitioner,

TERRI G. CURATOLO
3640 SCOTT STREET
PORT ORANGE, FL 32129
PARCEL ID: 6337-07-04-0090

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 January 11, 2017, 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), TERRI G. CURATOLO, (hereinafter referred to as "Respondent(s)", whose mailing address is 707 Paddock Club Drive, Panama City Beach, FL 32047, is/are the owner(s) of the property located at 3640 Scott Street, Port Orange, FL 32129, and more particularly described as:

LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097

B. The pool needs to be secured with an approved cover in good condition so that there are no exposed areas, or the pool will need to be drained or cleaned with appropriate chemicals. The yard needs to be cleared of all fallen limbs and debris. This condition was first observed at the real property described above on August 31, 2016; re-inspections were made on December 15, 2016 and January 10, 2017 and confirmed the condition as being the same. Respondent(s) received notice via posting on the property on November 29, 2016, posting at City Hall and via certified and regular mailing on November 30, 2016, that the aforesaid conditions constituted a violation of Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.1 (Swimming Pools) and 303.2 (Enclosures) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, as well as 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 Ordinance, and was to be corrected by December 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.

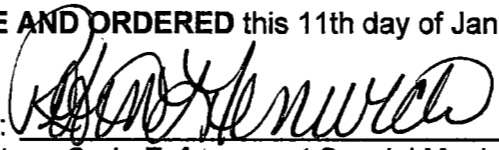
ORDER:

A. Respondent(s) shall correct the aforesaid violation by this ORDER on or before January 21, 2017. ("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 fine in the amount of \$500.00 will be assessed on the property. 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 \$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.

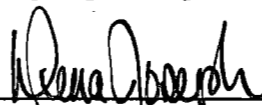
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 11th day of January, 2017.

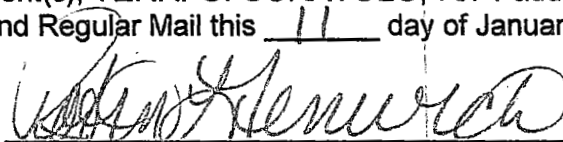
Attest: 
Secretary, Code Enforcement Special Magistrate

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), TERRI G. CURATOLO, 707 Paddock Club Drive, Panama City Beach, FL 32047 by Certified and Regular Mail this 11 day of January, 2017.



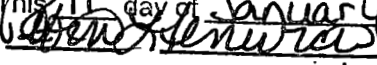
Secretary, Code Enforcement Special Magistrate

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 January, 2017.

By: 

/s/ Robin L. Fenwick



February 24, 2017

Terri G. Curatolo
707 Paddock Club Drive
Panama City Beach, FL 32047

RE: CEB Case No. 16-1457

Dear Terri G. Curatolo:

You are hereby notified that Code Enforcement Case No. 16-1457 has been continued. Your case has been rescheduled to Wednesday, March 8, 2017 at 9:00 a.m. in the City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have questions regarding this, please contact Dena Joseph, Code Compliance Inspector at (386) 506-5645.

Sincerely,

Robin Fenwick, CMC
City Clerk

Enclosure

CC: Code Compliance Inspector
Deborah Faircloth, Interim Code Compliance Supervisor