



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, March 14, 2018

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 - February 28, 2018

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-1642

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/10/2017

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

4. CEB Case No.: 18-100

Respondent: Adam Haller

Address of Violation: 1139 Kane Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/17/2018

Compliance: No

Cited for violation(s) - Chapter 70 Section 70-48 - Parking of Recreational vehicles and equipment on residential premises, of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 17-936

Respondent: Gregory M. Soto

Address of Violation: 1223 Jeffery Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/26/2017

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure, 304-1 General, 304.1.1 Unsafe Conditions, 304.7 Roofs and drainage of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 17-1397

Respondent: Rose C. & H. Ogden Lily

Address of Violation: 43 Springwood Sq., Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 09/21/2017

Compliance: No

Cited for violation(s) - 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.

C. PUBLIC COMMENTS

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY 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 7-1-1 or 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
FEBRUARY 28, 2018

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Michelle Cusella, Sr. Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Code Enforcement Process to the members in the audience.

Consideration of Minutes

Special Magistrate Fuller approved the February 14, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph, Amanda Bonin, Scott Allman and Dennis Boehmer were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-1343

Respondent: James Standfast

Address of Violation: 1120 Kane Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/17/2018

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) Garbage, waste, trash, etc., prohibited.

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

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and Walls. Modified (b) General Provisions (4) Design and Maintenance (b) and (d)

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before February 16, 2018 by removing all garbage, trash, junk, and debris from the property, as well as storing all outside storage in an enclosed building. All outside storage on the property must be removed or placed inside an enclosed building. The fence is required to be maintained in its original and upright condition. All broken fence panels and pickets need to be repaired/replaced if broken beyond repair. A re-inspection conducted on February 16, 2018 found the property remains in non-compliance.

Paul Krinjack, on behalf of a neighbor, was sworn in by Special Magistrate Fuller and stated these violations have been going on for years and would just like to see the owner clean everything up once and for all.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 23, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$200.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Bonin requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement and the costs will be added to any lien that is ultimately imposed on the property. The property owner has until March 23, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$200.00 per day will be imposed. The costs to date of \$34.14 will be ordered, as well.

4. CEB Case No.: 17-1345

Respondent: James Standfast

Address of Violation: 1114 Morgan Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/17/2018

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) Garbage, waste, trash, etc., prohibited.

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

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General Provisions (4) Design and Maintenance (b) and (d)

Ms. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before February 15, 2018 by removing all garbage, trash, junk, and debris from the property, as well as storing all outside storage in an enclosed building. All outside storage on the property must be removed or placed inside an enclosed building. The fence is required to be maintained in its original and upright condition. All broken fence panels and pickets need to be repaired/replaced if broken beyond repair. A re-inspection conducted on February 16, 2018 found the property remains in non-compliance.

Mr. Krinjack, on behalf of a neighbor, stated the cars on the property never move, and the property is just becoming a junkyard and the pool is green and filthy.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 23, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$200.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Bonin requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement and the costs will be added to any lien that is ultimately imposed on the property. The property owner has until March 23, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$200.00 per day will be imposed. The costs to date of \$34.14 will be ordered, as well.

5. CEB Case No.: 18-108

Respondent: Teresa Roddy

Address of Violation: 1225 Thomasina Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/25/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General provisions (4) Design and maintenance (b) All fences shall be maintained in their original upright condition. (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality. (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Florida Building Code Chapter 1, Section 105 Permits 105.1 Required

Ms. Bonin requested a continuance of this case to April 11, 2018. Motion to continue was granted by Special Magistrate Fuller.

6. CEB Case No.: 18-9

Respondent: Patsy Buechner

Address of Violation: 5231 Orange Ave., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/11/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of owner (f) Garbage, waste, trash, etc., prohibited.

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

Chapter 5, Section 505 Water System of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 505.1 General.

Chapter 6, Section 601 of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 601.2 Responsibility.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before January 31, 2018 by removing all garbage and debris from the property, by properly storing all items on the porch and front yard, by reconnecting to the City's water service and by reconnecting to FPL electrical service. A re-inspection conducted on February 15, 2018 found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 28, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$25.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. The Cost Sheet in the amount of \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until March 28, 2018 to bring the property into compliance as to all violations cited or a daily fine in the

amount of \$25.00 per day will be imposed for only the violations pertaining to garbage, waste and debris and properly storing all outside storage. The costs to date of \$34.14 will be ordered, as well.

7. CEB Case No.: 18-10

Respondent: Steve and Tammy Luke

Address of Violation: 5438 Rogers Ave., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/11/2018

Compliance: Yes

Cited for violation(s) - Chapter 18 (Businesses), Article II - Local Business Tax, Section 18-27 - Business Tax Imposed of the City of Port Orange Code of Ordinances.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (f) Garbage, waste, trash, etc., prohibited.

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

Mr. Allman requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

8. CEB Case No.: 17-731

Respondent: Kimberly T. Mac Withey

Address of Violation: 5290 Christiancy Ave., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/25/2018

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 (Exterior Structure), 304.7 (Roofs and drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3, Section 304 (Exterior Structure), 304.13.1 (Glazing) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3, Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before February 26, 2018 by repairing or replacing the damaged roof, repairing or replacing all broken windows and by repairing or removing the damaged

shed on the property. A re-inspection conducted on February 27, 2018 found the property remains in partial compliance.

Steve Mac Withey, property owners husband, was sworn in by Special Magistrate Fuller and stated he has a tenant living at this property who was supposed to be fixing the violations in leu of paying rent. He believes a month should be enough time to comply with the notice of violations.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 28, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. The Cost Sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until March 28, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$100.00 per day will be imposed. The costs to date of \$41.28 will be ordered, as well.

9. CEB Case No.: 17-1488

Respondent: Joanne D. Parcell

Address of Violation: 55 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 01/25/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2
Section 42-32 - Storage of vehicles, furniture, etc.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

10. CEB Case No.: 17-0673

Respondent: Kevin Kegley

Address of Violation: 980 Canalview Blvd. Unit D-3, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 01/24/2018

Compliance: No

Cited for violation(s) - 2017 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before February 5, 2018 by obtaining a permit from the City of Port Orange for the air conditioning unit that was installed without the proper permit. A re-inspection conducted on February 21, 2018 found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 15, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. The Cost Sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until March 15, 2018 to bring the property into compliance as to all violations cited or a daily fine in the amount of \$100.00 per day will be imposed. The property owner shall notify the code officer for re-inspection. The costs to date of \$41.28 will be ordered, as well.

C. ORDER IMPOSING FINE/LIEN

11. CEB Case No.: 17-426

Respondent: Robert W. Blohm ET AL
and Denise M. Ohle

Address of Violation: 5201 Wood St., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/10/2017

Compliance: No

Cited for violation(s) - 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
304.6 Exterior Walls.

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.

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

Mr. Allman requested a continuance of this case to April 11, 2018. Motion to continue was granted by Special Magistrate Fuller.

12. CEB Case No.: 17-1837

Respondent: Patricia A. Hill

Address of Violation: 466 Oxford Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 12/18/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally - Duty of Owner (d) Maintenance of improved residential lots.

Mr. Allman requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

13. CEB Case No.: 17-1554

Respondent: Bhoola Investments

Address of Violation: Hidden Lake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/06/2017

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 (d)

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before December 21, 2017 as ordered in the previous hearing on December 13, 2017 by the Special Magistrate. The cost sheet for mailing and recording costs in the amount of \$92.18 was tendered and submitted into evidence without objection. Property was abated on February 12, 2018 by Mark Solomon Properties and the vendor cost was \$200.00.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.18, the vendor cost of \$200.00, as well as the daily fine of \$100.00 per day running from December 22, 2017 through February 11, 2018 for a total of \$5,392.18.

14. CEB Case No.: 17-1772

Respondent: Thomas W. Jones

Address of Violation: 705 Herbert Street, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 12/18/2017

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of improved residential lots of the City of Port Orange Code of Ordinances.

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner),(f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Boehmer requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

15. CEB Case No.: 17-1721

Respondent: Springwood Square Joint Ventures

Address of Violation: Springwood Square Common Ground, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/09/2017

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (cleanliness of property generally-duty of owner), (d) Maintenance of Improved residential lots of the City of Port Orange Code of Ordinances

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (cleanliness of property generally-duty of owner) (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before January 3, 2018 as ordered in the previous hearing on December 13, 2017 by the Special Magistrate. The cost sheet for mailing and recording costs in the amount of \$92.18 was tendered and submitted into evidence without objection. Property was abated by Down to Earth Trucking Inc. and the vendor cost was \$1,200.00.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.18 as well as the vendor cost of \$1,200.00 for a total of \$1,292.18.

D. PUBLIC COMMENTS- There were none.

E. ADJOURNMENT- 10:41 a.m.

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 17-1642

Name	Activity	Activity_Date	Status	Cost
Valerie Potter	Cost to mail Notice of Violation/Notice of Hearings to 299 Morningside Avenue, Daytona Beach, FL 32118	02/06/2018	Hand delivery obtained; green card not received	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	03/14/2018		\$27.00
Valerie Potter	Cost to mail Finding of Fact to 299 Morningside Avenue, Daytona Beach, FL 32118	03/14/2018		\$7.14

Total: 41.28



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1642

To:
Valerie Potter
299 Morningside Avenue
Daytona Beach, FL 32118

Re: 176 Iron Gate Circle
Port Orange, FL 32129
Parcel ID: 6308-02-00-1760
LEGAL DESCRIPTION: LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG 2347

Volusia County Public Records
Volusia County, FL

I Amanda Bonin, have been designated by Al Tischler, Interim Building Official for Case 17-1642, to determine the condition of this structure.

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

An inspection of the premises on April 10, 2017, with the most recent inspection of February 2, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below via a notice of violation in a previous case (#17-473) which was then carried over to this case due to the severity.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 9, 2018**.

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

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land

Development Code. 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration, neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. 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.

Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. 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.

The home is unsecured, and the windows are not structurally sound. This home is abandoned and neighbors have stated, kids are coming into the home. The floors have holes and is completely missing in some areas. This was also witnessed during the Code Enforcement Case in 2015 that was not corrected. To correct the violations, all doors and windows must be repaired, operable, and secured, the flooring needs to be replaced, and the home needs to be secured. The other option is to demolish the home as it continues to deteriorate and has become a public nuisance and a life safety and welfare concern. Building permits and structural certification will be required for repairs. A demolition permit is required for demolition.

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 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a

Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 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.

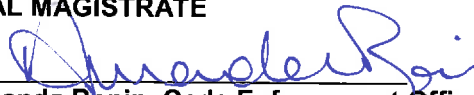
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 14, 2018**, 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 25, 2018, 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 6th day of February, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Enforcement Officer

- ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Valerie Potter 569 Coral Trace Blvd, Edgewater, FL 32132, RE: 176 Iron Gate Circle, Port Orange, FL 32129, was
- ☐ Hand-delivered Recipient of hand delivered documents: VALERIE ALBERT
- ☐ Posted at the property

Time: approx. 5:40pm this 6th day of FEBRUARY, 2018.


Dennis Boehmer, Code Enforcement Officer

- ☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Valerie Potter 569 Coral Trace Blvd, Edgewater, FL 32132, RE: 176 Iron Gate Circle, Port Orange, FL 32129 was
- ☒ Posted at City Hall
- ☐ Sent via certified and regular

this 7th day of February, 2018.


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.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1642

VALERIE POTTER,

Respondent.

Property Address: 176 Iron Gate Circle
Port Orange, FL 32129
Parcel ID: 6308-02-00-1760

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 176 Iron Gate Circle, Port Orange, Florida 32129, is owned by Valerie Potter.
4. That 176 Iron Gate Circle, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 569 Coral Trace Blvd, Edgewater, Florida 32132, at 5:40 p.m. on the 6th day of

February 2018, to Valerie Albert (married name for Valerie Potter), who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

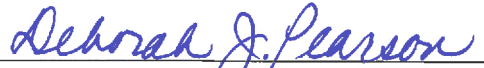
DATED this 7TH day of FEBRUARY, 2018.



Dennis Boehmer
Code Compliance Inspector

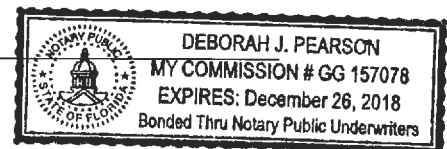
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 7th day of February, 2018, by Dennis Boehmer, who is personally known to me.



Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 18-100

Name	Activity	Activity_Date	Status	Cost
Adam Haller	Cost to mail Notice of Violation/Notice of Hearings to 1139 Kane Drive, Port Orange, FL 32129	02/01/2018	Signed green card received undated	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	03/14/2018		\$27.00
Adam Haller	Cost to mail Finding of Fact to 1139 Kane Drive, Port Orange, FL 32129	03/14/2018		\$7.14

Total: 41.28



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-100

To: Adam Haller
1139 Kane Drive
Port Orange, FL 32129

Re: 1139 Kane Drive
Port Orange, FL 32129
Parcel ID: 6308-06-00-0470

LEGAL DESCRIPTION: LOT 47 WINTER WOODS MB 35 PGS 128-129 INC PER OR 4696 PG 3295 PER OR 5804 PGS 3099-3107 INC PER OR 5814 PG 0236 PER OR 5814 PG 0237 PER OR 6162 PGS 3397-3398 PER OR 6162 PG 3401 PER OR 6218 PGS 4405-4406
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 17, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 24 hours to correct. A re-inspection was done on January 31, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by February 5, 2018.

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

City of Port Orange Code of Ordinances Chapter 70 Section 70-48. - Parking of recreational vehicles and equipment on residential premises.

- (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.
- (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.

An RV over twenty-four feet in total length, including the tongue of the trailer, is required to be parked behind the front plane of the house.

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 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 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.

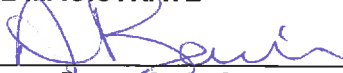
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 14, 2018**, 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 25, 2018, 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 31st day of January, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Adam Haller 1139 Kane Drive Port Orange, FL 32129, RE: 1139 Kane Drive Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 31st day of January, 2018.

Time: approx. 3:25 pm

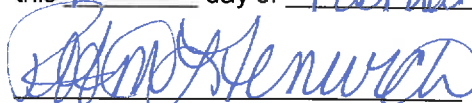

Amanda Bohin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Adam Haller 1139 Kane Drive Port Orange, FL 32129, RE: 1139 Kane Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1st day of February, 2018.


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: 6308-06-00-0470 **2018 Working Tax Roll** Last Updated: 01-30-2018

Owner Name and Address

Alternate Key	3604792	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6308-06-00-0470	Mill Group	402 Port Orange
Full Parcel ID	08-16-33-06-00-0470	2017 Final Mill Rate	19.34090
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	HALLER ADAM		
Owner Name/Address 1			
Owner Address 2	1139 KANE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1139 KANE DR PORT ORANGE 32129		

Legal Description

LOT 47 WINTER WOODS MB 35 PGS 128-129 INC PER OR 4696 PG 3295 PER OR 5804 PGS 3099-3107 INC PER OR 5814 PG 0236 PER OR 5814 PG 0237 PER OR 6162 PGS 3397-3398 PER OR 6162 PG 3401 PER OR 6218 PGS 4405-4406

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6218	4405	02/2008	Warranty Deed	Institutional / bank	Yes	147,500
6162	3401	08/2007	Quit Claim Deed	Unqualified Sale	Yes	100
6162	3397	08/2007	Warranty Deed	Institutional / bank	Yes	154,000
5814	0237	04/2006	Warranty Deed	Qualified Sale	Yes	192,500
5814	0236	04/2006	Warranty Deed	Unqualified Sale	Yes	100
5804	3099	04/2006	Final Judgment	Unqualified Sale	Yes	100
4696	3295	06/2001	Warranty Deed	Qualified Sale	Yes	107,500
4609	4714	08/2000	Quit Claim Deed	Unqualified Sale	Yes	10
3975	1617	01/1995	Warranty Deed	Qualified Sale	Yes	85,700
3918	4261	05/1994	Warranty Deed	Qualified Sale	Yes	82,500
2190	0704	08/1980	Warranty Deed	Qualified Sale	Yes	48,800

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
2017	16,000	108,606	17,458	142,064	95,992	95,992	25,000	70,992	25,000	45,992
2016	16,000	98,919	16,071	130,990	94,018	94,018	25,000	69,018	25,000	44,018

[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	16000.00	100	100	100	100	16,000
Neighborhood	5868 WILLOW RUN UNITS 1 TO 7 INC										
Total Land Classified											0
Total Land Just											16,000

Building Characteristics

Building Number: 113416 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113416	Single Family		196	1979	300	29%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	METAL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0

This instrument was prepared by:
Marshall C. Watson, Esq.
Law Offices of Marshall C. Watson, P.A.
1800 NW 49th Street Suite 120
Ft. Lauderdale, FL 33309
Folio # 630806000470

WATSON TITLE INSURANCE, INC.
1800 N.W. 49th ST.

SUITE 120
FT. LAUDERDALE, FL 33309

Revised 10/06/93
FL (conventional)
REO # REO #A077943

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 29th day of February, 2008, by and between FEDERAL NATIONAL MORTGAGE ASSOCIATION, commonly known as Fannie Mae, a corporation organized under and existing pursuant to the laws of the United States, hereinafter called Grantor, and ADAM HALLER A SINGLE MAN of 735 HERBERT STREET, PORT ORANGE, FL 32129 and their assigns, hereinafter called Grantee.

WITNESSETH, that the said Grantor, for and in consideration of the sum of No Dollars and 00/100 Dollars (\$) in hand paid by Grantee and other valuable considerations, the receipt whereof is acknowledged, hereby grants, bargains, and sells to the said Grantee, forever, the following described land in the County of VOLUSIA, State of Florida, to-wit:

The property is commonly known as 1139 KANE DRIVE, PORT ORANGE FL 32129, and is more particularly described in EXHIBIT A, attached hereto and made a part hereby of this reference.

TO HAVE AND TO HOLD the above-described property with appurtenances, unto the said Grantee, and their assigns, forever, subject to covenants and restrictions of record, zoning and land use restrictions imposed by governmental authorities, and matters an accurate survey would reveal,

AND SAID GRANTOR DOES hereby specially warrant the title to said lands and will defend the same against the lawful claims of any person whomsoever claim by, through or under the said Grantor.

IN WITNESS WHEREOF the undersigned Federal National Mortgage Association has caused these presents to be signed in its name by its undersigned officers and its corporate seal affixed this 29th day of February, 2008.

Witness

Printed Witness Name

Witness

Printed Witness Name

FEDERAL NATIONAL MORTGAGE ASSOCIATION

By:

FANNIE MAE a/k/a FEDERAL
NATIONAL MORTGAGE
ASSOCIATION

WATSON TITLE INSURANCE, INC.
1800 N.W. 49th ST.
SUITE 120
FT. LAUDERDALE, FL 33309

Signed, sealed and delivered
In the presence of:

STATE OF FLORIDA)) ss.
COUNTY OF BROWARD))

I hereby certify that on this day before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared Mary F. Davis as Authorized Signatory for Law Offices of Marshall C. Watson, P.A., as Attorney-in-Fact for FANNIE MAE a/k/a FEDERAL NATIONAL MORTGAGE ASSOCIATION to me known and known to be the person described in and who executed the foregoing instrument as Authorized Signatory for the corporation named therein and severally acknowledged before me they executed the same as such officers in the same and on behalf of said corporation.

Witness my hand and official seal in the county and State last aforesaid, this 29 day of February, 2008.

Notary Public, Florida
My Commission Expires:

(SEAL)



Rene Duchesneau
Commission # DD356371
Expires: NOV. 01, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

EXHIBIT "A"

LEGAL DESCRIPTION FOR

**1139 KANE DRIVE
PORT ORANGE, FL 32129**

FILE NO.: [REDACTED]

REO NO.:

**LOT 47 WINTER WOODS ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT
BOOK 35 PAGES 128 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY FLORIDA**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 18-100

ADAM HALLER,

Respondent.

Property Address: 1139 Kane Drive
Port Orange, FL 32129
Parcel ID: 6308-06-00-0470

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 1139 Kane Drive, Port Orange, Florida 32129, is owned by Amanda Bonin.
4. That 1139 Kane Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 1139 Kane Drive, Port Orange, Florida 32129, at 3:25 p.m. on the 31st day of January 2018, as

required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 31st day of January, 2018.



Amanda Bonin
Code Compliance Inspector

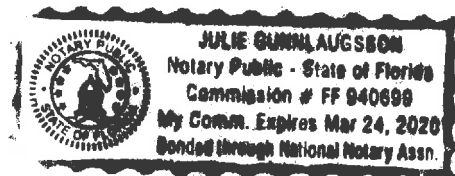
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 31st day of January, 2018, by Amanda Bonin, who is personally known to me.



Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 17-936

Name	Activity	Activity_Date	Status	Cost
Gregory M. Soto	Cost to mail Notice of Violation/Notice of Hearings	02/01/2018	Certified mail was returned unclaimed	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	03/14/2018		\$27.00
Gregory M. Soto	Cost to mail Finding of Fact to 1223 Jeffery Drive, Port Orange, FL 32129	03/14/2018		\$7.14

Total: 41.28



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-936

To: Gregory M Soto
1223 Jeffery Drive
Port Orange, FL 32129

Re: 1223 Jeffery Drive
Port Orange, FL 32129

Parcel ID: 6307-03-00-0800

LEGAL DESCRIPTION: LOT 80 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 5132 PG 0084 PER OR 5321 PG 2806 PER OR 5443 PG 0509

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 28, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given fourteen (14) days to correct. A re-inspection was done on July 31, 2017, resulting in non-compliance. As of January 31, 2018, the property remains in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by February 28, 2018.**

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

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

304.1 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: (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 the signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

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 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.

To comply, the tarp needs to be removed and the roof needs to be repaired and free of any holes/deficiencies.

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 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are **\$7.14** 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 14, 2018**, 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 25, 2018, 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 31st day of January, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: [Signature]
Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Gregory M Soto 1223 Jeffery Drive Port Orange, FL 32129, RE: 1223 Jeffery Drive Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 31st day of January, 2018.

Time: approx. 8:15pm

Amanda Bonin
Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Gregory M Soto 1223 Jeffery Drive Port Orange, FL 32129, RE: 1223 Jeffery Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1st day of February, 2018.

Robert J. Murch
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: 6307-03-00-0800 **2018 Working Tax Roll** Last Updated: 01-30-2018

Owner Name and Address

Alternate Key	3594592	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6307-03-00-0800	Mill Group	402 Port Orange
Full Parcel ID	07-16-33-03-00-0800	2017 Final Mill Rate	19.34090
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	SOTO GREGORY M		
Owner Name/Address 1			
Owner Address 2	1223 JEFFERY DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1223 JEFFERY DR PORT ORANGE 32129		

Legal Description

LOT 80 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 5132 PG 0084 PER OR 5321 PG 2806 PER OR 5443 PG 0509

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5443	0509	11/2004	Quit Claim Deed	Unqualified Sale	Yes	100
5321	2806	04/2004	Quit Claim Deed	Unqualified Sale	Yes	100
5132	0084	07/2003	Quit Claim Deed	Unqualified Sale	Yes	10
4901	4793	10/1996	Quit Claim Deed	Unqualified Sale	Yes	1
3813	0212	03/1993	Warranty Deed	Qualified Sale	Yes	66,500
3241	0300	12/1988	Warranty Deed	Qualified Sale	Yes	59,900
3198	0236	09/1988	Quit Claim Deed	Unqualified Sale	Yes	100
3198	0235	09/1988	Quit Claim Deed	Unqualified Sale	Yes	100
2372	1824	07/1982	Unknown	Qualified Sale	Yes	52,900

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2017	17,100	105,166	0	122,266	122,266	119,590	0	122,266	0	119,590
2016	16,553	92,165	0	108,718	74,735	74,735	25,000	49,735	24,735	25,000

[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	90.0	115.0	90.00	FRONT FEET	190.00	100	100	100	100	17,100
Neighborhood	5868 WILLOW RUN UNITS 1 TO 7 INC										
Total Land Classified											0
Total Land Just											17,100

Building Characteristics

Building Number: 112408 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112408	Single Family	178	1982	300		22%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	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)	CONC OR CINDER BLOCK	1.0	1982	N	0%	0%	1213 Sq. Feet	

Prepared by and return to:
Barbara Lemmon
Adams Cameron Title Services, Inc.
319 N. Atlantic Avenue, Daytona Beach, Florida 32118
Parcel ID No: 6307-03-00-0800

Quit Claim Deed

Made this November 15, 2004 A.D. by Diana Marie Benezette, individually and as Trustee of the Trust Agreement of Diana Marie Benezette dated October 28, 2000, hereinafter called the grantor, to Gregory M. Soto, single man whose post office address is: 12 Foster Drive, Daytona Beach, FL 32118 hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in Volusia County, Florida, viz:

Lot 80, WILLOW RUN UNIT 2, according to the map or plat thereof as recorded in Map Book 36, Pages 16 through 18, of the Public Records of Volusia County, Florida.

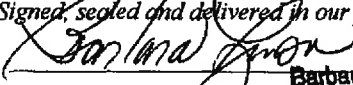
The above referred to property is not the homestead of the Grantor.

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

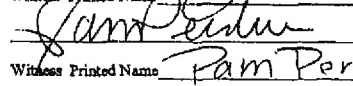
To Have and to Hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

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 Lemmon

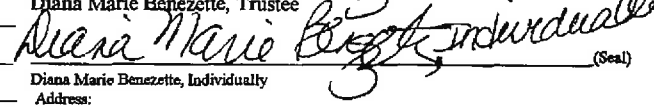
Witness Printed Name


Witness Printed Name Pam Perdue

Witness Printed Name

Witness Printed Name


Diana Marie Benezette, Trustee (Seal)


Diana Marie Benezette, Individually (Seal)
Address:

(Seal)

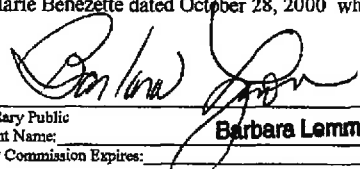
Address:

(Seal)

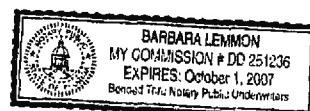
Address:

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 16th day, of November, 2004, by Diana Marie Benezette, individually and as Trustee of the Trust Agreement of Diana Marie Benezette dated October 28, 2000 who is personally known to me or who has produced drivers license as identification.


Notary Public
Print Name: Barbara Lemmon

My Commission Expires:



CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-936

GREGORY M SOTO,

Respondent.

Property Address: 1223 Jeffery Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-0800

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 1223 Jeffery Drive, Port Orange, Florida 32129, is owned by Gregory M Soto.
4. That 1223 Jeffery Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 1223 Jeffery Drive, Port Orange, Florida 32129, at 3:15 p.m. on the 31st day of January, 2018,

as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 31st day of January, 2018.



Amanda Bonin
Code Compliance Inspector

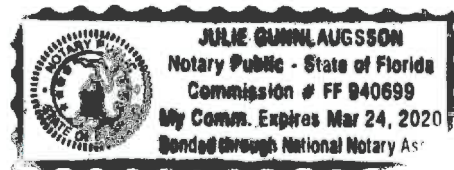
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 31st day of January, 2018, by Amanda Bonin, who is personally known to me.



Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 17-1397

Name	Activity	Activity_Date	Status	Cost
Rose C. Lily	Cost to mail Notice of Violation/Notice of Hearings	02/05/2018	Green card was signed by Mary Ellen Hagen on 2/9/18	\$7.14
H. Ogden Lily	Cost to mail Notice of Violation/Notice of Hearings	02/05/2018	Green card was signed by Mary Ellen Hagen on 2/9/18	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	03/14/2018		\$27.00
Rose C. Lily	Cost to mail Finding of Fact to 1760 The Alameda Suite 100, San Jose, CA 95126	03/14/2018		\$7.14
H. Ogden Lily	Cost to mail Finding of Fact to 1760 The Alameda Suite 100, San Jose, CA 95126	03/14/2018		\$7.14

Total: 55.56



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1397

To: Rose C. & H. Ogden Lily
1760 The Alameda Suite 100
San Jose, CA. 95126

Re: 43 Springwood Sq.
Port Orange, FL 32129
Parcel ID: 6337-15-00-0430

LEGAL DESCRIPTION: LOT 43 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 2356 PG 0430
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 21, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 90 days to correct. A re-inspection was done on January 2, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by March 5, 2018.

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

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

304.10 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.

The violation is the missing deck/balcony for listed property. To comply, a deck/balcony needs to be installed by a licensed contractor, obtaining the proper permit for the job.

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 14, 2018, 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.

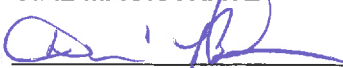
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 14, 2018**, 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 25, 2018, 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) 506-5643.

DATED this 2ND day of FEBRUARY, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dennis Boehmer

- ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Rose C. & H. Ogden Lily 43 Springwood Sq. Port Orange, FL 32129, RE: 43 Springwood Sq. Port Orange, FL 32129, was
- ☐ Hand-delivered Recipient of hand delivered documents: _____
- ☒ Posted at the property

this 2ND day of FEBRUARY, 2018.

Time: approx. 11:30 AM

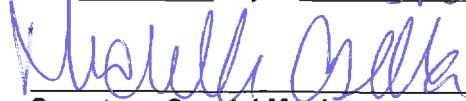

Dennis Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Rose C. & H. Ogden Lily 1760 The Alameda Suite 100 San Jose, CA. 95126, RE: 43 Springwood Sq. Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 5th day of February, 2018.


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.

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

304.10 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.


**Volusia County
Property Appraiser**

Larry Bartlett, J.D.

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Parcel Information: 6337-15-00-0430 **2018 Working Tax Roll** Last Updated: 01-24-2018

Owner Name and Address

Alternate Key	3686276	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-15-00-0430	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-15-00-0430	2017 Final Mill Rate	19.34090
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	LILLY H OGDEN & ROSE C		
Owner Name/Address 1			
Owner Address 2	1760 THE ALAMEDA SUITE 100		
Owner Address 3	SAN JOSE CA		
Owner Zip/Postal Code	95126		
Situs Address	43 SPRINGWOOD SQ PORT ORANGE 32129		

Legal Description
 LOT 43 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 2356 PG 0430

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
2356	0488	05/1982	Warranty Deed	Qualified Sale	Yes	50,000
2290	0017	08/1981	Warranty Deed	Unqualified Sale	Yes	26,800

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
2017	5,500	56,397	0	61,897	61,897	45,509	0	61,897	0	45,509
2016	5,500	39,619	0	45,119	45,119	41,372	0	45,119	0	41,372

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0108	IMP ATCHD UT SEP OWNED	0.0	0.0	1.00	UNIT BUILDABLE	5500.00	100	100	100	100	5,500
Neighborhood 5284 SPRINGWOOD SQUARE											
Total Land Classified											0
Total Land Just											5,500

Building Characteristics
 Building Number: 120536 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120536	Single Family	116	1981	275		31%	0%	0%	2999
Roof Type	FLAT	Floors		Carpet	Bedrooms	2	4 Fixture Bath 0		
Roof Cover	TAR and GRAVEL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath 0		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	1	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath 0		
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C Yes		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1981	N	0%		621 Sq. Feet
002	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1981	N	0%		120 Sq. Feet
003	Patio (PTO)	Non-Applicable	1.0	1981	N	0%		96 Sq. Feet
004	Upper Story, Finished (FUS)	Non-Applicable	1.0	1981	N	0%		621 Sq. Feet
005	Wood Deck (WDK)	Non-Applicable	1.0	1981	N	0%		120 Sq. Feet

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1397

Rose C. & H. Ogden Lily,
Respondent.

Property Address: 43 Springwood Sq. Port Orange, FL 32129
Parcel ID: 6337-15-00-0430

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

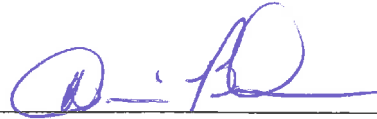
BEFORE ME, the undersigned authority, personally appeared Dennis Boehmer, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 43 Springwood Sq. Port Orange, Florida 32129, is owned by Rose C. & H. Ogden Lily.
4. That 43 Springwood Sq. Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 43 Springwood Sq. Port Orange, Florida 32129, at 1130 a.m. on the 02nd day of February 2018, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and

Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 2nd day of February 2018.



Dennis Boehmer
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 2nd day of February, 2018, by Dennis Boehmer, who is personally known to me.



Notary Public, State of Florida

Commission No. _____

