



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, June 10, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-678

Respondent: Troy Loprimo & Susan Plebanek

Address of Violation: 5357 Christianity Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 05/04/2015

Compliance: No

Cited for violation(s) - Chapter 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty), (b) 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 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-36 (Stopping, standing, or parking), (a)(1)(k) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) of the City of Port Orange Code of Ordinances.

2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (Window, skylight and door frames) as adapted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

5. **CEB Case No.:** 15-0359

Respondent: Virginia Waldrop

Address of Violation: 4530 Spruce Creek Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/28/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles, (c) Restrictions, (1) and (2) of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-488

Respondent: Dorothy B. Phillips

Address of Violation: 4528 Nettle Creek Ct., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/11/2015

Compliance: Yes

Cited for violation(s) - 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 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) (1), (a)(b), and (2) of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-752

Respondent:

Address of Violation:

Code Officer:

First Notified:

Compliance: Yes

Cited for violation(s) -

8. **CEB Case No.:** 14-2217

Respondent: Dana L. Dech

Address of Violation: 4469 Chalmette Court, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified:

Compliance: Yes

Cited for violation(s) - Failure to Obtain a Building Permit This is a violation of the 2010 Florida Building Code Section 105.1. (A permit must be obtained before construction.)

C. ORDER IMPOSING FINE/LIEN

9. **CEB Case No.:** 15-78

Respondent: Or-EL 18 LLC C/o Business Filings Inc., (Registered Agent)

Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Scott Allman

First Notified:

Compliance: No

Cited for violation(s) - Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of port Orange Code of Ordinances.

10. **CEB Case No.:** 13-926

Respondent: Kimberly A. Pappadoulis & PNC Bank NA, C/O Weltman Weinberg & Reis Co.

Address of Violation: 5313 Christiancy Ave., Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 09/19/2013

Compliance: No

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

Chapter 42 Article II, Sec. 42-32. - Storage of vehicles, furniture, etc. 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.

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MAY 6, 2015

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:17 a.m.

PRESENT:

Raymond Branch, Special Magistrate

ALSO PRESENT:

Chris Hutchison, Code Enforcement Supervisor
Michael Cochetti, Attorney for Code Enforcement
Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Oaths

Deborah Faircloth, Code Compliance Inspector; Scott Allman, Code Compliance Inspector; Amanda Bonin, Code Compliance Inspector; and Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Branch.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-78

Respondent: Or-EL 18 LLC C/o Business Filings, Inc., (Registered Agent)

Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 03/31/2015

Compliance: No

Cited for violations(s) – Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances.

The violation was first observed on January 23, 2015. The Notice of Violation/Notice of Hearing was mailed certified to the registered agent on April 2, 2015. The certified green card was signed and returned back to the City Clerk's Office on April 6, 2015. The violation was to be corrected by April 30, 2015. Mr. Allman re-inspected the property on May 1, 2015 resulting in non-compliance. The most recent inspection on May 4, 2015 also showed no compliance. Mr. Allman said there were several calls being made in to the Public Utilities Dept. in reference to the irrigation system (leaking water).

Mr. Allman presented pictures May 1, 2015. The pictures indicate the sprinkler heads being broken and/or the lines leading to the heads. The water is going across the sidewalk creating a slip hazard. Special Magistrate Branch admitted the photos into evidence.

On January 23, 2015 Code Enforcement received a complaint from the Public Utilities Dept. Mr. Allman spoke with the store manager. The store manager had indicated that she would speak with upper management in regards to the violation. A re-inspection was conducted on February 19, 2015. Mr. Allman indicated that the conditions of the property still remained the same. Mr. Allman then spoke with the district manager, Chris Robinson. Mr. Robinson notified Mr. Allman on February 20, 2015 that he would send a maintenance crew out to resolve the issue. On March 27, 2015, Mr. Allman conducted another re-inspection resulting in non-compliance.

Mr. Allman said he contacted the corporate office of Dollar General. The corporation then stated they create a work order to get the job complete. Additionally, the City's Public Work's Dept. was notified by Code Enforcement for the safety hazard on the sidewalks. Mr. Allman was then advised that the sidewalk was county right-of-way.

Special Magistrate Branch asked if the water was reclaimed water. Mr. Allman said no. He does not believe it is a City irrigation meter. He believes it to be well water.

Based on the information presented in case no. 15-78, Mr. Allman requested the Special Magistrate to find that OR-EL 18 LLC property owner of 3741 Clyde Morris Blvd, Port Orange, FL 32129, be found in violation of Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-78 in violation of Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances.

Mr. Allman request that the violation be corrected on or before May 15, 2015 by repairing all leaks in the irrigation system, broken sprinkler heads, and irrigation lines. If the accused does not comply with this Order, a fine of \$500 per day is imposed for each day the violation continues beyond May 15, 2015. Mr. Allman also request the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

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 \$40.65 as indicated on this 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.

Chris Hutchison, Code Compliance Supervisor, was duly sworn by Special Magistrate Branch. Mr. Hutchison advised Mr. Branch that the City has had notification with a slip and fall accident.

Special Magistrate Branch ordered Mr. Allman's recommendation. He requested the Finding of Fact/Conclusion of Law & Order be hand delivered to the store manager when executed.

4. **CEB Case No.:** 15-0369

Respondent: Thomas E. Swanson TR

Address of Violation: 703 Charles Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/31/2015

Compliance: Yes

Cited for violations(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.

Chapter 70 (Traffic), Article II (Stopping, Standing or Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles), (c) Restrictions, (1) (a) and (b) and (2) 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 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.1 (Accumulation of Rubbish or Garbage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.3.2 (Containers) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph requested for case no. 15-0369 be dismissed due to the property owners being in compliance with the notice. Special Magistrate Branch dismissed case no. 15-0369.

5. **CEB Case No.:** 15-511

Respondent: Sandy J. Barnes

Address of Violation: 5645 Palm Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/16/2015

Compliance: No

Cited for violations(s) – 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods.

Chapter 42, Section 4226 (d)(f)(h) Cleanliness of property generally duty of owner of the City of Port Orange Code of Ordinance.

Mr. Cochetti, Attorney for Code Enforcement, gave a brief overview of case no. 15-511 that was first heard on April 22, 2015. City Staff will be requesting demolition. Mr. Cochetti said he spoke with the brother of Sandy J. Barnes, deceased, who showed no interest in the property. The decedent has three (3) children. One of the children, Jennifer Persko, seems to be the "point person" for the siblings. Ms. Persko had represented to Mr. Cochetti and Ms. Faircloth that they have no interest in the property and that they will not be proceeding with probate.

Ms. Faircloth said the property has been secured as far as the City's concern with yellow caution tape. Additionally, the structure has been posted "Danger" by the building official, Kerry Leuzinger. February 22, 2015 was when the building was engulfed with flames. The property was posted on April 16, 2015 at 3:47 p.m. The notice was also mailed via certified mail on April 17, 2015 and posted at City Hall. Ms. Faircloth said she spoke with Ms. Persko's husband. Mr. Persko was hesitant. Ms. Faircloth requested that they email her a statement that they are not interested in the property. No email has been received as of today.

Ms. Faircloth presented pictures of the violations dated April 14, 2015. The pictures indicate a badly burned house with a considerable amount of damage. Special Magistrate Branch admitted the photos into evidence.

Chris Weir, Fire Marshall, was duly sworn by Special Magistrate Branch. Mr. Weir stated that he arrived on scene seven (7) minutes post time of the alarm to a well involved kitchen fire. He stated that the fire went into a flashover mode through the living room. Once the flames were knocked down the fire fighters observed a deceased male in the living room. There was significant damage throughout the kitchen area. Mr. Weir was concerned about the roof collapsing at any point. Mr. Weir presented pictures and explained each photo of the residency. Special Magistrate Branch admitted the photos into evidence.

Allan Tischler, Building Inspector, was duly sworn by Special Magistrate Branch. Mr. Tischler said he had performed an inspection on the property. He does not believe the house can be built again. The building was heavily compromised and destroyed. Mr. Tischler believes it would be easier and cheaper for a rebuild instead of fixing it. He showed concern in regards to the structure not being safe especially with hurricane season being in effect.

Matt Hall, General Contractor for Matt Hall Construction, was duly sworn by Special Magistrate Branch. Mr. Hall gave an overview on his educational background. He said he inspected the property on April 21, 2015. Mr. Hall said the structure is not fit for human occupancy and believes the property a sever threat to the public health, safety, and welfare. He does not think the structure can be salvaged. Mr. Hall said it would be less expensive to tear the structure down instead of trying to rebuild it.

Special Magistrate Branch asked Mr. Hall an idea estimate on how much it would cost to renovate the structure. Mr. Hall said if the block was kept it would approximately be \$200,000.

Mr. Cochetti requested that the property owner come into compliance by demolition of the structure down to slab level, cleaning up the entire site, and mowing all of the overgrowth by ten (10) days or evidence that

the property owner has contracted with a demolition company within a ten (10) day period. In addition, the respondent shall be responsible for a one (1) time fine in the amount of \$5,000. In the event that the property owner does not demolish the structure, Staff request permission that the property be demolished by the City of Port Orange and tax the cost of the demolition including the cost of prosecution.

Special Magistrate Branch found case no. 15-511 in violation of 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods, and Chapter 42, Section 4226 (d)(f)(h) Cleanliness of property generally duty of owner of the City of Port Orange Code of Ordinances.

Special Magistrate Branch ordered cost of \$175.19 due and payable to the City of Port Orange. He believes this is a serious threat to the public health, safety, and welfare. This matter will be referred to the City Council in the event the owner has not abated the violations. Special Magistrate Branch does not accept Mr. Cochetti's recommendation. He ordered that the respondent shall correct the aforesaid violation by completing the cleanup and demolition of structure or to enter into a contract for demolition on or before May 16, 2015. If a contract is entered into by the respondent, it must include a completion date within thirty (30) days of this order. Respondent, for good cause, may petition the Magistrate at a hearing within the next thirty (30) days for additional time to complete the demolition. In the event that the property is not brought into compliance on or before May 16, 2015 or a subsequent time allowed by the Magistrate, if any, and/or not maintained in a state of compliance, a one (1) time fine of \$2,500.00 will be assessed against the property following May 16, 2015 or other date allowed by the Magistrate.

C. ORDER IMPOSING FINE/LIEN

6. CEB Case No.: 14-2040

Respondent: Lawrence J. Pelletier

Address of Violation: 7 Lawrence Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/13/2015

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) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Chapter 16 (Miscellaneous Regulations of the Land Development Code), Section 3 (Fences and walls), §§ (b) (General provisions), (4) (Design and maintenance), §§(b), of the City of Port Orange Land Development Code.

Mr. Allman said this case was first head on March 25, 2015. The respondent was to have taken corrective action on or before April 10, 2015. A re-inspection on April 13, 2015 showed no compliance. The Affidavit of Non-Compliance has been submitted to the Clerk. Mr. Allman is requesting a fine of \$100 per day be

assessed for each day the violation continues past April 11, 2015. The fine will continue to run until the property comes into compliance with the order. The current cost to date is \$85.34 as indicated on the cost sheet.

Special Magistrate Branch ordered Mr. Allman's recommendations. A fine the amount of \$100 per day starting on April 11, 2015 shall be assessed and continue to accrue until the property is in compliance. Cost in the amount of \$85.34 is ordered.

7. **CEB Case No.:** 15-048

Respondent: Jacqueline M. & Donald A. Acosta

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

Code Officer: Deborah Faircloth

First Notified: 02/05/2015

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)(f)(h) of the City of Port Orange Code of Ordinances.

Ms. Faircloth said this case was first heard on March 25, 2015. The respondent was found in violation of the above referenced code. The respondents were to have taken corrective action on or before April 2, 2015. Upon re-inspection on April 24, 2015, the front yard had been mowed. The backyard was still overgrown. Ms. Faircloth said she had contacted a City vendor. They will be conducting the work on Friday.

Special Magistrate Branch is concerned with the property being occupied. He asked what the vendor's protocol is on going onto the property and mowing. Ms. Faircloth said usually the vendors will try and contact someone inside the home first. Ms. Faircloth has not had any contact with the property owners. An Affidavit of Non-Compliance has been submitted to the Clerk.

Ms. Faircloth request a cost in the amount of \$99.68 be ordered with any future abatement cost associated with this case shall be included in the Affidavit of Compliance along with any invoices pertaining to the abatement.

Special Magistrate Branch ordered any future cost prior to the time of compliance shall be included in the order along with the cost in the amount of \$99.68

8. **CEB Case No.:** 14-2211

Respondent: Mark D. Cameron

Address of Violation: 886 Stonybrook Circle, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 02/12/2015

Compliance: Yes

Cited for violation(s) – Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 14-2211 be dismissed due to coming into compliance the Magistrate's order. Special Magistrate Branch dismissed case no. 14-2211.

9. **CEB Case No.:** 14-2472

Respondent: Jonathan D. Thomas

Address of Violation: 4726 Hidden Lake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/12/2015

Compliance: Yes

Cited for violation(s) –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 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential Uses, (a) & (b) of the City of Port Orange Land Development Code).

Chapter 70 (Traffic), Article II (Stopping, Standing or Parking Prohibited in Specified Places), Section 70-36 (a)(1) (c) & (k) (1) (2) & (3) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-48 (Parking of Recreational Vehicles and Equipment on Residential Premises), (c) (1) (2) & (3) of the City of Port Orange Code of Ordinances.

Ms. Bonin request for case no. 14-2211 be dismissed due to coming into compliance the Magistrate's order. Special Magistrate Branch dismissed case no. 14-2211.

D. PUBLIC COMMENTS: None.

E. ADJOURNMENT: 11:13 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-678

Name	Activity	Activity_Date	Status	Cost
Troy Loprino & Susan Plebanek	Notice of Violation/Notice of Hearing	05/04/2015	Hand Delivered to Troy Loprino on May 4, 2015 at 2:15 p.m.	\$0.00
Troy Loprino	Mailing Finding of Fact/Conclusion of Law & Order to 5357 Christiancy Ave., Port Orange, FL 32127	06/10/2015		\$6.73
Susan Plebanek	Mailing Finding of Fact/Conclusion of Law & Order to 5357 Christiancy Ave., Port Orange, FL 32127	06/10/2015		\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015		\$27.00

Total: \$40.46



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-678

To: Troy Loprimo & Susan Plebanek
5357 Christiancy Ave.,
Port Orange, FL 32127

Re: 5357 Christiancy Ave.,
Port Orange, FL 32127
Parcel ID: 6310-07-38-0080

LEGAL DESCRIPTION: S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M B 4 PG 146 PER OR 2005
PG 1142 PER OR 5382 PG 0080 PER OR 53 82 PG 0081 PER OR 6378 PG 3831
Volusia County Public Records, Volusia County, FL

An inspection of the premises on April 21, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty), (b) 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 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-36 (Stopping, standing, or parking), (a)(1)(k) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) of the City of Port Orange Code of Ordinances.

2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (Window, skylight and door frames) as adapted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Received Cit Con that the owner is running a car repair shop out of this residential address. On April 21, 2015, I inspected and observed an unregistered van parked in the front yard, a registered vehicle parked in the side yard and 2 other vehicles parked in the row. No one was at home. I also observed that the entire property needs to be mowed and maintained and trash and debris disposed of. There are several items under the carport to be properly stored. I left a 3 day notice to correct all violations. Additionally, stated that a repair business cannot be conducted in a residential neighborhood. All garbage, trash, and debris needs to be removed from the property. The van and car needs to be removed from the front and side front yard. A reinspection on May 1, 2015 showed one car in the front yard, the van backed under the carport being worked on, yard mowed and debris removed. Outside storage is still in place. Additionally, the front window on the home is now shattered.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the 15th day of May, 2015.

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 a Code Enforcement 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 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 VIOLATIONS 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 the 10th day of June, 2015, 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 the 10th day of June, 2015, at 9:00 a.m., 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 the 8th day of July, 2015, 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 Officer at (386) 506-5641.

DATED this 15th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By:

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Troy Loprimo & Susan Plebanek, 5357 Christiancy Ave., Port Orange, FL 32127, was

- ☒ Hand-delivered
☐ Posted at the property

Time: 2:15 pm

this 4th day of May, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Troy Loprimo & Susan Plebanek, 5357 Christiancy Ave., Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

THERESA GUTIERREZ, Secretary to 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.

Sec. 18-33. - Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty.

- (a) The business tax provided herein shall be paid to the community development director or his designee beginning September 1 of each year and shall be due and payable on or before the following October 1 of such year and shall expire on September 30 of the succeeding year. No business tax receipt shall be issued for more than one year nor less than one year prior to April 1 of any year, after which date a business tax receipt for six months may be issued for one-half of the amount of the annual business tax receipt. Those business tax receipt not renewed by October 1 shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent for each month of delinquency thereafter until paid. However, the total delinquency penalty shall not exceed 25 percent of the business tax fee for the delinquent establishment.
- (b) Any person engaging in or managing any business, profession or occupation without first obtaining a business tax receipt as required herein shall be subject to a penalty of 25 percent of the fee determined to be due, in addition to any other penalty provided by this article.

(Ord. No. 1991-2, § 5, 2-5-91; Ord. No. 2007-13, §§ 1, 9, 3-20-07)

State law reference— Similar provisions, F.S. § 205.503.

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. 70-36. - Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1) Stop, stand or park a motor vehicle or trailer:

- a. On the roadway side of any motor vehicle stopped or parked at the edge of a curb of a street (i.e., double parked).
- b. Within an intersection.
- c. On any sidewalk or on a crosswalk.
- d. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless the division of road operations of the state department of transportation indicates it differently by signs or markings.
- e. Alongside or opposite any street excavation, obstruction or vehicle when stopping, standing or parking would obstruct traffic.
- f. Upon any bridge or elevated structure upon a highway, road or street where parking is not provided for thereon.
- g. On any railroad tracks.
- h. At any place where official traffic control devices prohibit stopping.
- i. In any area containing the raised or painted traffic separator or median.
- j. On parkage, except for private passenger vehicles, by or with authority of the owner or resident of the private property immediately adjoining such parkage, which authority shall be implied in the absence of a written complaint made by such owner or the duly authorized agent of such owner.
- k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:
 1. Concrete or paved materials;
 2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
 3. Concrete paver strips, paver blocks, or other semi-pervious materials.

(2) Within the public right-of-way, stand or park a motor vehicle or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. Alongside any yellow curb.
- b. In front of a public or private driveway.
- c. Within 15 feet of a fire hydrant.
- d. Within 20 feet of a crosswalk at an intersection.
- e. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
- f. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance (when proper sign posted).

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

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

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

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

GENERAL REQUIREMENTS

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

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

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

07/24/2009 02:01 PM
Doc stamps 280.00
(Transfer Amt \$ 40000)
Instrument# 2009-135117 # 1
Book : 6378
Page : 3831
Diane M. Matousek
Volusia County, Clerk of Court

Prepared By: Robin D. Derr
Professional Title Agency, Inc.
747 S. Ridgewood Avenue, Suite 204
Daytona Beach, Florida 32114
incidental to the issuance of a title insurance policy.
File Number: P-17110
Parcel ID# 6310-07-38-0080

**WARRANTY DEED
(INDIVIDUAL)**

This **WARRANTY DEED**, dated 07/22/2009 by

Jean Newton, a Single Person

Whose post office address is

1085 Paradise Road, Alton, Virginia 24520

hereinafter called the GRANTOR, to

Troy V. Loprimo and Susan M. Plebanek and Susan M. Plebanek, Joint Tenants with Full Right of Survivorship

whose post office address is

5357 Christiancy Avenue, Port Orange, FL 32127

hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all 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:**

The Southerly 8 feet of Lot 7, all of Lot 8 and the Northerly 9 feet of Lot 9, Block 38, Allendale, according to the Plat thereof, recorded in Map Book 4, Page 146, of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year **2009** and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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

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

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Witness #1 Signature:

Witness #1 Print Name:

Witness #2 Signature:

Witness #2 Print Name:

Jean Newton

Robin D. Derr

STATE OF FLORIDA

COUNTY OF VOLUSIA

)
) ss
)



Volusia County Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-28-2015 Today's Date: 4-30-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		10-16-33-07-38-0080 6310-07-38-0080		Mill Group 402 Port Orange	
Alternate Key		3611331		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 02	
Date Created		31 DEC 1981			
Owner Name		LOPRIMO TROY V JTRS &		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5357 CHRISTIANCY AVE			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type	
Location Address		5357 CHRISTIANCY AV PORT ORANGE 32127			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M	
B 4 PG 146 PER OR 2005 PG 1142 PER OR 5382 PG 0080 PER OR 53	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6378	3831	7/2009	Warranty Deed	Qualified Sale	Yes	40,000
2	5382	0081	8/2004	Warranty Deed	Qualified Sale	Yes	38,000
3	2902	1731	11/1986	Quit Claim Deed	Affiliated Parties	Yes	100

HISTORY OF VALUES									GO TO ADD'L HISTORY			
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	13,250	12,332	437	26,019	26,019	26,019	26,019	0	26,019	26,019	0	26,019
2013	11,250	12,129	462	23,841	23,841	23,841	23,841	0	23,841	23,841	0	23,841

LAND DATA												

ADDITIONAL OWNERS

OWNER NAME	OWNER PERCENTAGE	OWNERSHIP TYPE
PLEBANEK SUSAN M JTRS &	100.00	

L E G A L D E S C R I P T I O N
S 8 FT OF LOT 7 & LOT 8 & N 9 FT OF LOT 9 BLK 38 ALLANDALE M
B 4 PG 146 PER OR 2005 PG 1142 PER OR 5382 PG 0080 PER OR 53
82 PG 0081 PER OR 6378 PG 3831

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-678

**Troy Loprimo & Susan Plebanek
5357 Christiancy Avenue
Port Orange, FL 32127
6310-07-38-0080,**

Respondent.

Property Address: 5357 Christiancy Avenue, Port Orange, FL 32127
Parcel ID: 6310-07-38-0080

**AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5357 Christiancy Avenue, Port Orange, Florida 32127, is owned by Troy Loprimo & Susan Plebanek.
4. That 5357 Christiancy Avenue, Port Orange, Florida 32127 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 5357 Christiancy Avenue, Port Orange, Florida 32127, at 2:15 p.m. on the 4th day of May, 2015, to Troy Loprimo, 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 5th day of May, 2015.

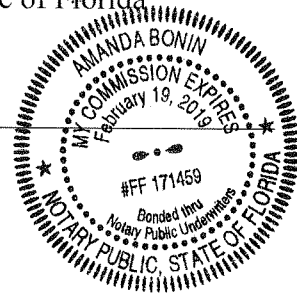
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 5th day of May, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____

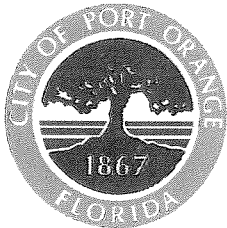


Case Cost Sheet Log

Case No. 15-0359

Name	Activity	Activity_Date	Status	Cost
Virginia Waldrop	Mailing Notice of Violation/Notice of Hearing to P.O. Box 542801, Lake Worth, FL 33454	05/01/2015	Certified Green Card signed for by Virgina Waldrop on 5/8/15 and returned to the City Clerk's Office.	\$6.69
Virginia Waldrop	Mailing Finding of Fact/Conclusion of Law & Order to P.O. Box 542801, Lake Worth, FL 33454	06/10/2015		\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015		\$27.00

Total: \$40.42



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-0359

To: Virginia Waldrop
Property Owner
P.O. Box 542801
Lake Worth, FL 33454

Re: 4530 Spruce Creek Road
Port Orange, FL 32127
Parcel ID: 6310-13-03-0124

LEGAL DESCRIPTION: N 100 FT OF S 243 FT OF LOT 12 UNIT 3 ALLANDALE GDNS MB 9 PG
194 PER OR 1991 PG 0217 PER D/C 6573 PG 0378 & OR 6637 PG
4075

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 12, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles, (c) Restrictions, (1) and (2) of the City of Port Orange Code of Ordinances

An inspection of the premises on **March 12, 2015** revealed an inoperable vehicle on the property which had been involved in an accident. The vehicle has been moved into the driveway but is in violation of the above ordinance. The owner was contacted and informed that the vehicle must be removed from the property, stored inside an enclosed building or covered with a car cover in good repair. In addition, the vehicle must appear operable at all times (i.e. no flat tires, missing engines, etc). As of this date, the wrecked vehicle remains in the driveway in an inoperable state of repair.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 9, 2015**.

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 **Code Enforcement Special Magistrate June 10, 2015 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 \$ 6.69 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 **June 10, 2015** 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 July 22, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5645.

DATED this 28th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Virginia Waldrop, Property Owner, P.O. Box 542801, Lake Worth, FL 33454**, was

☐ Hand-delivered

☒ Posted at the property

Time: 2:53 pm

this 28th day of April, 2015.

Dena Joseph

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Virginia Waldrop, Property Owner, P.O. Box 542801, Lake Worth, FL 33454**, was

☐ Posted at City Hall

☐ Sent via certified

this _____ day of _____, 2015.

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-14-2015 Today's Date: 4-20-2015		Volusia County Property Appraiser's Office			
		<u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID	10-16-33-13-03-0124	Mill Group	402 Port Orange		
Short Parcel ID	6310-13-03-0124				
Alternate Key	3617355	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	WALDROP VIRGINIA		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	P O BOX 542801				
Owner Address 3	LAKE WORTH FL				
Owner Zip Code	33454				
Owner Percentage	100	Ownership Type			
Location Address	4530 SPRUCE CREEK RD PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
N 100 FT OF S 243 FT OF LOT 12 UNIT 3 ALLANDALE GDNS MB 9 PG	
194 PER OR 1991 PG 0217 PER D/C 6573 PG 0378 & OR 6637 PG	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6637	4075	10/2011	Personal Rep	Unqualified Sale	Yes	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	21,200	57,725	3,478	82,403	82,403	82,403	82,229	0	82,403	82,403	0	82,229
2013	21,200	49,995	3,559	74,754	74,754	74,754	74,754	0	74,754	74,754	0	74,754

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHF	PHY	JUST VAL	
0101	IMP PVD THRU .49	No Data	No Data	1.00	LOT	22000.00	100	100	100	100	22,000	

LEGAL DESCRIPTION
N 100 FT OF S 243 FT OF LOT 12 UNIT 3 ALLANDALE GDNS MB 9 PG
194 PER OR 1991 PG 0217 PER D/C 6573 PG 0378 & OR 6637 PG
4075

IN THE CIRCUIT COURT FOR VOLUSIA COUNTY, FLORIDA

IN RE: ESTATE OF PROBATE DIVISION

GEARY LYNN WALDROP, File No. 2011-10658-PRDL

Division 10

Deceased.

ORDER DETERMINING HOMESTEAD
STATUS OF REAL PROPERTY
(Intestate - lineal descendants, no spouse - exempt from claims)

On the petition of Virginia Waldrop for an order determining homestead status of real property (the "Property"), all interested persons having been served proper notice of the petition and hearing, or having waived notice thereof, the court finds that:

1. The decedent died intestate and was domiciled in Volusia County, Florida;
2. The decedent was not survived by a spouse;
3. The decedent was survived by one or more lineal descendants;
4. At the time of death, the decedent owned and resided on the real property described in the petition; it is

ADJUDGED that the following-described Property:

4530 Spruce Creek Rd., Port Orange, FL, to wit:

N 100 FT OF S 243 FT OF LOT 12 UNIT 3 ALLANDALE GDNS
MB 9 PG 194 PER OR 1991 PG 0217 PER D/C 6573 PG 0378

constituted the homestead of the decedent within the meaning of Section 4 of Article X of the
Constitution of the State of Florida.

FILED
2011 OCT - 3 AM 9:50
CLERK OF THE CIRCUIT
COURT VOLUSIA COUNTY, FL
650

25

ADJUDGED FURTHER that the title to the Property descended, as of the decedent's date of death, and the constitutional exemption from claims of decedent's creditors inured to the decedent's mother, VIRGINIA WALDROP, Post Office Box 542801, Lake Worth, FL 33454, in fee simple.

ADJUDGED FURTHER that the personal representative is authorized and directed to surrender all of the Property which may be in the possession or control of the personal representative to the decedent's descendants specified above and the personal representative shall have no further responsibility with respect to it.

ORDERED on October 3, 2011.

C. McFerrin Smith, III

C. McFerrin Smith, III
Circuit Judge

Copy To:
Melvin D. Stack, Esquire

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

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

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

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

private property unless such vehicle is:

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

(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 15-488

Name	Activity	Activity_Date	Status	Cost
Dorothy B. Phillips	Mailing Notice of Violation/Notice of Hearing to 4528 Nettle Creek Ct., Port Orange, FL 32127	05/13/2015	USPS attempted to deliver item at 11:47 am on May 15, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available. Item has not been returned to the City Clerk's Office.	\$6.69
Dorothy B. Phillips	Mailing Finding of Fact/Conclusion of Law & Order to 4528 Nettle Creek Ct., Port Orange, FL 32127	06/10/2015		\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015		\$27.00

Total: \$40.42



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-488

To: Dorothy B. Phillips
4528 Nettle Creek Ct.,
Port Orange, FL 32127

Re: 4528 Nettle Creek Ct.,
Port Orange, FL 32127

Parcel ID: 6309-20-00-0150

LEGAL DESCRIPTION: LOT 15 SHALLOWBROOK AT DUNLAWTON HILLS PHASE I MB 41 PG 118 PER OR 4753 PG 4370
Volusia County Public Records, Volusia County, FL

An inspection of the premises on March 26, 2015, indicates that certain violations of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-32 (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 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) (1), (a)(b), and (2) of the City of Port Orange Code of Ordinances.

Self-Initiated: While in the area, I noticed a home with a disabled/abandoned vehicle in the driveway with flat tires and full of papers and various items. In addition, there is outside storage on the outside of the home (cat crates, etc.). The yard is also in violation and needs to be mowed and maintained. I left a five (5) day door hanger notice to remove all outside storage and store inside. In addition, I informed the residents that the inoperable/unlicensed vehicle in the driveway must be stored inside or covered with an approved car cover (no flat tires). I also told the residents to mow and maintain the property.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the **21th day of May, 2015.**

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 a Code Enforcement 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 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 VIOLATIONS 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 the **10th day of June, 2015** 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 \$ 1,669 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 the **10th day of June, 2015 at 9:00 a.m.**, 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 the **22nd day of July, 2015, 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 Officer at (386) 506- 5641.

DATED this 11th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By:

Dena Joseph
DENA JOSEPH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dorothy B. Phillips, 4528 Nettle Creek Ct., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:42 PM

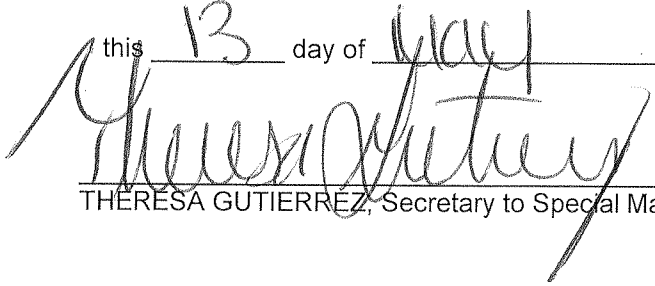
this 11th day of May, 2015.

Dena Joseph
DENA JOSEPH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dorothy B. Phillips, 4528 Nettle Creek Ct., Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 13 day of May, 2015.


THERESA GUTIERREZ, Secretary to 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.

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

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

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

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

private property unless such vehicle is:

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

(Ord. No. 1998-23, § 1, 7-21-98)

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)

*Ch 42 - Nuisances***ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH**

FOOTNOTE(S):

--- (2) ---

Land development code reference—Landscaping and buffers, ch. 13.

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)



Volusia County Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 05-05-2015 Today's Date: 5-7-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		09-16-33-20-00-0150 6309-20-00-0150		Mill Group 402 Port Orange	
Alternate Key		4935665		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		26 MAY 1987			
Owner Name		PHILLIPS DOROTHY B		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		4528 NETTLE CREEK CT			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		321279200			
Owner Percentage		100		Ownership Type	
Location Address		4528 NETTLE CREEK CT PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 15 SHALLOWBROOK AT DUNLAWTON HILLS PHASE I MB 41 PG 118

PER OR 4753 PG 4370

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4753	4370	9/2001	Warranty Deed	Qualified Sale	Yes	84,500
2	4549	0141	5/2000	Warranty Deed	Qualified Sale	Yes	74,000
3	4164	1944	12/1996	Quit Claim Deed	Affiliated Parties	Yes	10

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	11,000	59,688	0	70,688	62,888	62,888	62,888	25,000	37,888	37,888	12,888	25,000
2013	11,000	50,959	0	61,959	61,959	61,959	61,959	25,000	36,959	36,959	11,959	25,000

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
------	------------------	----------	-------	------------	-----------	------	-----	-----	-----	-----	----------

10/05/2001 10:17
Doc stamps 591.50
(Transfer Amt \$ 84500)
Instrument # 2001-214108
Book: 4753
Page: 4370
Diane M. Matousek
Volusia County, Clerk of Court

This Document Prepared By and Return to:
Dustin C. Shaffer
Waterside Title Co.
640 Dunlawton Ave
Port Orange, FL 32127

Parcel ID Number: 6309-20-00-0150
Grantee #1 TIN: ~~954-80-1160~~

Warranty Deed

This Indenture, Made this 28th day of September, 2001 A.D., Between
Patricia Anne Andrews, a single woman

of the County of Volusia, State of Florida, grantor, and
Dorothy B. Phillips, a single woman

whose address is: 4528 Nettle Creek Drive, Port Orange, FL 32127

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

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 GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Volusia, State of Florida to wit:

Lot 15, SHALLOWBROOK AT DUNLAWTON HILLS, PHASE I, according to the
plat thereof, recorded in Map Book 41, Page(s) 118 of the Public
Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if
any, and taxes subsequent to 2000.

The subject property being conveyed herein does not constitute Grantor's
homestead real property.

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:

Dustin Shaffer
Printed Name: DUSTIN SHAFFER
Witness
Margaret M. Pico
Printed Name: Margaret M. Pico
Witness

Patricia Anne Andrews (Seal)
Patricia Anne Andrews
P.O. Address: 2951 Wild Pecan court, Port Orange, FL 32129

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-0488

Dorothy B. Phillips, Property Owner,
Respondent.

Property Address: 4528 Nettle Creek Court, Port Orange, FL 32127
Parcel ID: 6309-20-00-0150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

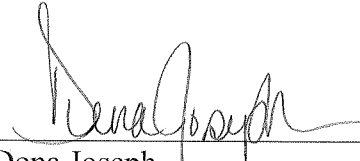
STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Dena Joseph, 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 4528 Nettle Creek Court, Port Orange, Florida 32127, is owned by Dorothy B. Phillips.
4. That 4528 Nettle Creek Court, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 4528 Nettle Creek Court, Port Orange, Florida 32127, at 12:42 p.m. on the 11th day of May, 2015, 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.

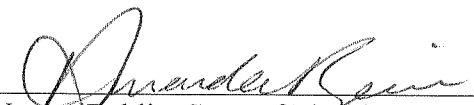
DATED this 13th day of May, 2015.



Dena Joseph
Code Compliance Inspector

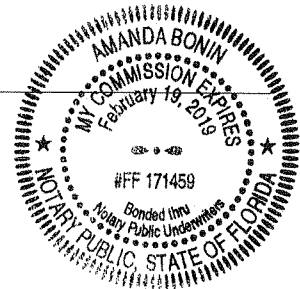
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 13th day of
May, 2015, by Dena Joseph, who is personally known to me.



Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-752

Name	Activity	Activity_Date	Status	Cost
Jeffrey A. Smith	Mailing Notice of Violation/Notice of Hearing to 1220 Jeffery Drive, Port Orange, FL 32127	05/06/2015	Certified Green Card Signed by Cindy J. Smith and Returned to the City Clerk's Office.	\$6.69
Cindy J. Smith	Mailing Notice of Violation/Notice of Hearing to 1220 Jeffery Drive, Port Orange, FL 32127	05/06/2015	Certified Green Card Signed by Cindy J. Smith and Returned to the City Clerk's Office.	\$6.69
Jeffrey A. Smith	Mailing Finding of Fact/Conclusion of Law & Order to 1220 Jeffrey Drive, Port Orange, FL 32127	06/10/2015		\$6.73
Cindy J. Smith	Mailing Finding of Fact/Conclusion of Law & Order to 1220 Jeffrey Drive, Port Orange, FL 32127	06/10/2015		\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015		\$27.00

Total: \$53.84



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-752

To:
Jeffrey A & Cindy J Smith
1220 Jeffery Drive
Port Orange, FL 32129

Re: 1220 Jeffery Drive
Port Orange, FL 32127
Parcel ID: 6307-03-00-1040

LEGAL DESCRIPTION: LOT 104 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 2525 PG 1940 PER OR 5391 PG
0284 PER OR 5493 PG 3808

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 29, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

**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)**

On April 29, 2015, I noticed this property is overgrown and needs to be mowed and maintained on a regular basis.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **May 11, 2015**.

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** June 10, 2015, 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 \$ 13.38 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 June 10, 2015, 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 July 22, 2015, 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 1st day of May, 2015.

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 Jeffrey A & Cindy J Smith 1220 Jeffery Drive, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: approx 2:15pm

this 1st day of May, 2015.

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 Jeffrey A & Cindy J Smith 1220 Jeffery Drive, Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified

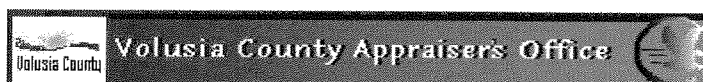
this 6 day of May, 2015.
Theresa Gutierrez
Secretary, Special Magistrate

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-28-2015 Today's Date: 5-1-2015	Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID Short Parcel ID	07-16-33-03-00-1040 6307-03-00-1040	Mill Group	402 Port Orange
Alternate Key	3594746	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	01
Date Created	30 DEC 1981		
Owner Name	SMITH JEFFREY A & CINDY J		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	1220 JEFFREY DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	1220 JEFFERY DR PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 104 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 2525 PG

1940 PER OR 5391 PG 0284 PER OR 5493 PG 3808

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5493	3808	2/2005	Warranty Deed	Uninformed grantor/grantee	Yes	159,900
2	5391	0284	8/2004	Personal Rep	Unqualified Sale	Yes	100
3	2525	1940	1/1984	Warranty Deed	Qualified Sale	Yes	52,900

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	17,968	78,400	0	96,368	96,368	96,368	96,368	0	96,368	96,368	0	96,368
2013	17,968	70,904	0	88,872	88,872	88,872	88,872	0	88,872	88,872	0	88,872

Prepared by and Return to:
Alday-Donalson Title Agencies of America, Inc.
Alday-Donalson Title Agencies of America, Inc.
5896 East Fowler Avenue
Temple Terrace, Florida 33617
File Number: 5-05-0113

02/17/2005 11:23 AM
Doc stamps 1119.30
(Transfer Amt \$ 159900)
Instrument# 2005-040377
Book: 5493
Page: 3808
Diane M. Matousek
Volusia County, Clerk of Court

This Warranty Deed

Made this February 9, 2005 A.D. By **Miguel Valenzuela**, an unmarried man
hereinafter called the grantor,

to **Jeffrey A. Smith and Cindy J. Smith**, husband and wife,

whose post office address is: **1220 Jeffrey Drive, Port Orange, FL 32129**,
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 104, Willow Run Subdivision, Unit 2, according to the map or plat thereof, as recorded in Plat Book 36, Pages 16-18, of the Public Records of Volusia County, Florida.

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

Parcel ID Number: **6307-03-00-1040**

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:

Witness Printed Name: Suzette Salazar

Witness Printed Name: Lorraine Valenti

Witness Printed Name: _____

Witness Printed Name: _____

State of: Florida

County of Hillsborough

Miguel Valenzuela (Seal)
Miguel Valenzuela

Address: 746 Magellam Drive, Sarasota FL 34243 (Seal)

Address: _____

Address: _____ (Seal)

Address: _____

Address: _____ (Seal)

Address: _____

The foregoing instrument was acknowledged before me this 9th day of February, 2005, by Miguel Valenzuela, an unmarried man, who is/are personally known to me or who has produced a valid driver's license or identification.

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

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

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

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

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

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

of this Code or applicable provisions of the land development code shall prevail and govern.

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

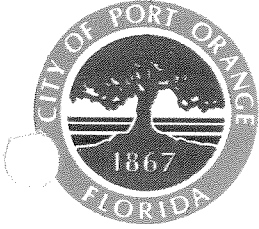
(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Case Cost Sheet Log

Case No. 14-2217

Name	Activity	Activity_Date	Status	Cost
Dana L. Dech	Mailing Notice of Violation/Notice of Hearing to 4469 Chalmette Court, Port Orange, FL 32127	02/19/2015	Certified Mail returned to City Clerk's Office on March 11, 2015 marked "unclaimed/unable to forward".	\$6.69
Dana L. Dech	Mailing Finding of Fact/Conclusion of Law & Order to 4469 Chalmette Court, Port Orange, FL 32127	06/10/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2217

To:
Dana L Dech
4469 Chalmette Court
Port Orange, FL 32127

Re: 4469 Chalmette Court
Port Orange, FL 32127
Parcel ID: 6309-26-00-0150

LEGAL DESCRIPTION: LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 PER OR 6038 PG 0999 PER OR 6325 PG 0454 PER OR 6787 PG 2303 PER OR 7015 PG 0349

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 16, 2014, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Failure to Obtain a Building Permit This is a violation of the 2010 Florida Building Code Section 105.1. (A permit must be obtained before construction.)

The shed and concrete slab were constructed without a building permit. A permit is required for this type of construction. Mr. Deck was informed of this and on September 22, 2014, he stated he would be in town and would come to City Hall to apply for a permit. To date there is not permit for this work.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by February 20, 2015.

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 25, 2015, 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 \$ 60,109 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 25, 2015**, 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 at a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 6, 2015, 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 13th day of February, 2015.

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 Dana L Dech 4469 Chalmette Court Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx.. 3:10pm

this 18th day of February, 2015.

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 Dana L Dech 4469 Chalmette Court, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 19th day of February, 2015.

Theresa Butler
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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-10-2015 Today's Date: 2-13-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		09-16-33-26-00-0150 6309-26-00-0150		Mill Group 402 Port Orange	
Alternate Key		5082814		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		03 MAR 1989			
Owner Name		DECH DANA L		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		4469 CHALMETTE CT			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		4469 CHALMETTE CT PORT ORANGE 32127			

LEGAL DESCRIPTION		GO TO ADD'L LEGAL	
LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR 3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 P			

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7015	0349	6/2014	Warranty Deed	Qualified Sale	Yes	120,000
2	6787	2303	11/2012	Quit Claim Deed	Unqualified Sale	Yes	100
3	6325	0454	2/2009	Quit Claim Deed	Unqualified Sale	Yes	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	14,280	65,214	0	79,494	79,494	79,494	79,494	0	79,494	79,494	0	79,494
2013	16,320	70,689	0	87,009	87,009	87,009	87,009	0	87,009	87,009	0	87,009

LEGAL DESCRIPTION**LOT 15 JACKSON SQUARE MB 42 PG 130 PER OR 3939 PG 3953 & OR****3966 PG 2129 PER OR 5713 PGS 4279-4287 PER OR 5721 PG 0375 P****ER OR 6038 PG 0999 PER OR 6325 PG 0454 PER OR 6787 PG 2303 P****ER OR 7015 PG 0349**

Prepared by:
Leigh Frederick
Summit Title Group
15 E. Granada Blvd., Suite 6
Ormond Beach, Florida 32176

File Number: 14-0208

General Warranty Deed

Made this June 20, 2014 A.D. By **Barbara A Davis**, 1312 Fairfax Circle East, Boynton Beach, FL 33436, hereinafter called the grantor, to **Dana L. Dech**, whose post office address is: 4469 Chalmette Court, Port Orange, Florida 32127, 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 15, Jackson Square, according to the Plat thereof as recorded in Plat Book 42, page(s) 130, of the Public Records of Volusia County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 6309-2600-0150

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, 2014.

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:

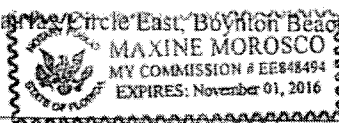
Susan Hazzard
Witness Printed Name SUSAN HAZZARD

Maxine Morosco
Witness Printed Name MAXINE MOROSCO

State of Florida Adm Seal
County of

Barbara A Davis (Seal)
Barbara A Davis

Address: 1312 Fairfax Circle East, Boynton Beach, FL 33436



Address:

I, the foregoing instrument was acknowledged before me this 20th day of June, 2014, by Barbara A Davis, who is/are personally known to me or who has produced Drivers license as identification.

Notary Public

Print Name: MAXINE MOROSCO

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. When alternate life safety systems are designed, the *SFPE Engineering Guide to Performance-Based Fire Protection Analysis and Design of Buildings*, or other methods approved by the building official may be used. The building official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternative.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

104.11.3 Accessibility. Alternate designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with Section 11-2.2.

104.12 Requirements not covered by code. Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or the other

technical codes, shall be determined by the building official.

SECTION 105 PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the building official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. A annual facility permit shall be assessed an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

105.1.3 Food permit. As per §500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code. Permits shall not be required for the following:

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2217

DANA L DECH,

Respondent.

Property Address: 4469 Chalmette Ct
Port Orange, FL 32127
Parcel ID: 6309-26-00-0150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

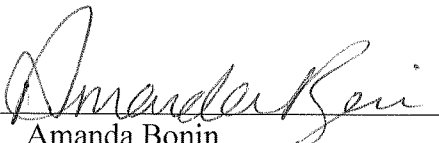
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 4469 Chalmette Ct, Port Orange, Florida 32127, is owned by Dana L Dech.
4. That 4469 Chalmette Ct, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 4469 Chalmette Ct, Port Orange, Florida 32127, at approx. 3:10 p.m. on the 13th day of February, 2015, 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 18th day of February, 2015.

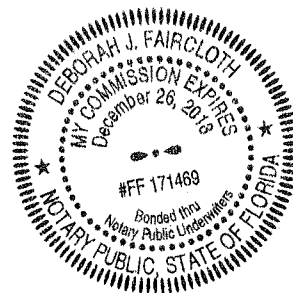

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 18th day of February, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-78

Name	Activity	Activity_Date	Status	Cost
Or-EL 18 LLC C/o Business Filings Inc., (Registered Agent)	Mailing Notice of Violation/Notice of Hearing to 515 E. Park Avenue, Tallahassee, FL 32301	04/02/2015	Certified Green Card signed and returned to the City Clerk's Office on April 6, 2015 and signed by Hinton.	\$6.69
Or-EL 18 LLC C/o Business Filings Inc., (Registered Agent)	Mailing Finding of Fact/Conclusion of Law & Order to 515 E. Park Avenue, Tallahassee, FL 32301	05/06/2015	Certified Green Card signed and returned to the City Clerk's Office on May 11, 2015 and signed by Hinton.	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/06/2015	BK: 7115 PG: 1338	\$27.00
Or-EL 18 LLC C/o Business Filings Inc., (Registered Agent)	Mailing Order Imposing Fine/Lien, Affidavit of Non-Compliance, and Affidavit of Compliance to 515 E. Park Avenue, Tallahassee, FL 32301	06/10/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	06/10/2015		\$44.00
Clerk of Court	Recording Fee - Affidavit of Compliance	06/10/2015		\$18.50

Total: \$103.85



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-78

To:
Or-EL 18 LLC
C/O Business Filings Incorporated (Registered agent)
515 E. Park Ave
Tallahassee, FL 32301

Re: (Dollar General) 3741 Clyde Morris Blvd
Port Orange, FL 32129
Parcel ID: 6306-18-00-1000

LEGAL DESCRIPTION: 06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 PER OR
6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 23, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of port Orange Code of Ordinances.

On January 23, 2015 an inspection of the property was conducted at the request of the Port Orange Utilities Department. During that inspection, I observed several locations where the irrigation system was leaking across the sidewalk causing an unsafe condition and potential slip hazard. On that date contact was made with the manager on duty Amanda. I gave 15 days verbally to correct the violation. A re-inspection was conducted on February 19, 2015 and the condition was the same. Contact was made with Sarah at the corporate office who notified me that she would pass the information on to the district and regional managers. An additional 15 days was given for compliance. On February 20, 2015, I received a call from the district manager Chris Robinson. Mr. Robinson notified me that he had given the information to his maintenance crew and the repairs should be completed within two weeks. A third inspection was conducted on March 27, 2015 which revealed that the condition has not changed. To correct the violation, all sprinkler heads leaks and/or broken irrigation lines must be repaired.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 30, 2015.

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** May 6, 2015 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 \$ 6.69 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 May 6, 2015 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on June 10, 2015, 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 MARCH, 2015.

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 Or-EL 18 LLC, C/O Business Filings Incorporated (Registered agent), 515 E. Park Ave, Tallahassee, FL 32301, was;

☒ Posted at City Hall
☒ Sent via certified

this 2 day of April, 2015.

[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.

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The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 03-31-2015 Today's Date: 3-31-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	06-16-33-18-00-1000	Mill Group	402 Port Orange		
Short Parcel ID	6306-18-00-1000				
Alternate Key	7372720	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	11		
Date Created	29 DEC 2011				
Owner Name	OR-EL 18 LLC	GO TO ADD'L OWNERS			
Owner Name/Address 1					
Owner Address 2	10 PARAGRAN DR				
Owner Address 3	MONTVALE NJ				
Owner Zip Code	07645				
Owner Percentage	100	Ownership Type			
Location Address	3741 CLYDE MORRIS BLVD PORT ORANGE 32129				

LEGAL DESCRIPTION

06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 P

ER OR 6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6675	1692	1/2012	Warranty Deed	Unqualified Sale	Yes	2,012,274

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	732,660	523,469	0	1,256,129	1,256,129	1,256,129	1,256,129	0	1,256,129	1,256,129	0	1,256,129
2013	732,660	475,571	0	1,208,231	1,208,231	1,208,231	1,208,231	0	1,208,231	1,208,231	0	1,208,231

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
1104	CONDO, COMMERC STORE	No Data	No Data	61055.00	SQUARE FEET	12.00	100	100	100	100	732,660

NEIGHBORHOOD CODE	C4468	SOUTHWINDS LAC CONDOS
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TOTAL LAND CLASSIFIED 0
TOTAL LAND JUST 732,660

BUILDING CHARACTERISTICS

BUILDING 1 OF 1

[GO TO BLDG SKETCH](#)

Physical Depreciation %	1	Next Review	2999	Obsolescence	Functional	0%
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Prepared by and return to:
J. Doyle Tumbleson
Attorney at Law
Kinsey, Vincent, Pyle, P.L.
150 South Palmetto Avenue Suite 300
Daytona Beach, FL 32114
File Number: 9580-22106

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 25th day of January, 2012 between Southwind Villas-LAC, LLC, a Florida limited liability company whose post office address is 220 Charles Street, Port Orange, FL 32129, grantor, and OR-EL 18, LLC, a Florida limited liability company whose post office address is 10 Paragon Drive, Montvale, NJ 07645, grantee:

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

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

Unit 100, Southwinds LAC, a Condominium, according to the Declaration of Condominium recorded in Official Records Book 6663, Page 1733, Public Records of Volusia County, Florida.

Parcel Identification Number: 6306-18-00-1000

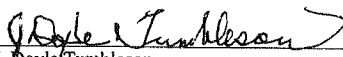
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

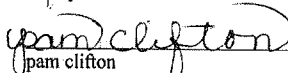
To Have and to Hold, the same in fee simple forever.

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 claiming by, through or under grantors.

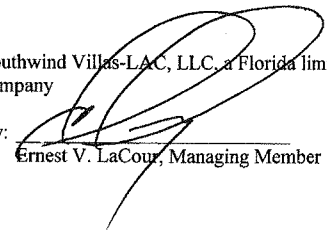
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


J. Doyle Tumbleson


pam clifton

Southwind Villas-LAC, LLC, a Florida limited liability company

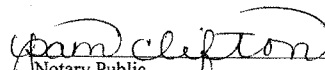
By: 
Ernest V. LaCour, Managing Member

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 25th day of January, 2012 by Ernest V. LaCour, Managing Member of Southwind Villas-LAC, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me.

[Notary Seal]

NOTARY PUBLIC-STATE OF FLORIDA
Pam Clifton
Commission # DD985969
Expires: MAY 13, 2014
BONDED THRU ATLANTIC BONDING CO., INC.


Notary Public

Printed Name: pam clifton

My Commission Expires: _____

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

OR-EL 18, LLC

Filing Information

Document Number	L11000144350
FEI/EIN Number	454094127
Date Filed	12/23/2011
State	FL
Status	ACTIVE

Principal Address10 PARAGON DRIVE
MONTVALE, NJ 07645**Mailing Address**10 PARAGON DRIVE
MONTVALE, NJ 07645**Registered Agent Name & Address**BUSINESS FILINGS INCORPORATED
515 E. PARK AVENUE
TALLAHASSEE, FL 32301**Authorized Person(s) Detail****Name & Address**

Title MGRM

ZAMIR, YEHUDA
10 PARAGON DRIVE
MONTVALE, NJ 07645

Title MGRM

ZAMIR, Yael
10 PARAGON DRIVE
MONTVALE, NJ 07645**Annual Reports**

Report Year	Filed Date
2013	04/18/2013

Sec. 74-192. - Maintenance of facilities by customer.

The property owner or customer shall be responsible for the maintenance of all plumbing facilities including the internal system, gate valves, irrigation lines and appurtenances on the property served by the city under this article. The city reserves the right to disconnect the service to any property that does not maintain the property's system. In addition, should the customer require reclaimed water at different pressures or of different quality or in any way different from that normally supplied by the city, the property owner shall be responsible for the necessary devices (e.g., pressure reducing valves) to make these adjustments, and obtain approval for installation from the city manager or his designee. Such devices and the repair thereof shall be the sole responsibility of the property owner or customer.

(Ord. No. 1994-33, § 1(II), 11-1-94; Ord. No. 2008-41, § 51, 1-20-09)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-78**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Or-EL 18 LLC (Dollar General)
C/o Business Filings Inc. (Registered Agent)
3741 Clyde Morris Blvd.
Port Orange, FL 32129
6306 [REDACTED]

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 May 6, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Or-EL 18 LLC (Dollar General), C/o Business Filings Inc. (Registered Agent), whose mailing address is 515 E. Park Avenue, Tallahassee, FL 32301, is/are the owner(s) of the property located at 3741 Clyde Morris Blvd, Port Orange, FL 32129, and more particularly described as:

06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 P
ER OR 6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

B. There are sprinkler head leaks and broken irrigation lines that must be repaired. This condition was first observed at the real property described above on January 23, 2015; re-inspections made on May 1, 2015 and May 4, 2015 confirmed the condition as being the same. Respondent(s), Or-EL 18 LLC (Dollar General), C/o Business Filings Inc. (Registered Agent), received notice via certified mail and posted at City Hall on April 2, 2015. The aforesaid conditions constituted a violation of Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of port Orange Code of Ordinances, and was to be corrected by April 30, 2015.

C. At the time of the hearing on May 6, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Or-EL 18 LLC, C/o Business Filings Inc., (Registered Agent), by reason of the foregoing, has/have violated Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the damaged sprinkler heads and irrigation system 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 repairing all sprinkler leaks and or broken irrigation lines on or before May 15, 2015. In the event that the property is not brought into compliance on or before May 15, 2015, and/or not maintained in a state of compliance, a daily fine of \$500 per day will be assessed for each day the property is in violation beyond May 15, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by May 15, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 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 6 day of May, 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Or-EL 18 LLC, C/o Business Filings Inc., (Registered Agent), 515 E. Park Avenue, Port Orange, FL 32301 by Certified and Regular Mail this 6 day of May, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log**Case No. 13-926**

Name	Activity	Activity_Date	Status	Cost
Kimberly A. Pappadoulis	Mailing Notice of Hearing/Notice of Violation to 10270 NW 35th Street, Unit U2, Coral Springs, FL 33065	09/19/2013	Certified Mail Returned to City Clerk's Office.	\$6.31
Kimberly A. Pappadoulis	Mailing Finding of Fact/Conclusion of Law & Order to 10270 NW 35th Street, Unit U2, Coral Springs, FL 33065	04/17/2015	Certified Mail Returned to City Clerk's Office.	\$6.57
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/17/2015	BK: 6980 PG: 2154	\$27.00
Kimberly A. Pappadoulis / PNC Bank NA C/o Weltman Weingberg & Reis Co.	Mailing Notice of Hearing to Set Fine/Lien to 10270 NW 35th Street, Unit U2, Coral Springs, FL 33065 and 550 W. Cypress Creek Rd., Ft. Lauderdale, FL 33309	05/08/2015	PNC Bank - No Certified Green Card Returned to City Clerk's office. Kimberly A. Pappadoulis - Certified Green Card signed by Roger D. on 5/11/15.	\$12.96
Kimberly A. Pappadoulis / PNC Bank NA C/o Weltman Weingberg & Reis Co.	Mailing Order Imposing Fine/Lien, Affidavit of Non-Compliance, and Affidavit of Compliance to 10270 NW 35th Street, Unit U2, Coral Springs, FL 33065 and 550 W. Cypress Creek Rd., Ft. Lauderdale, FL 33309	06/10/2015		\$1.40
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	06/10/2015		\$44.00
Clerk of Court	Recording Fee - Affidavit of Compliance	06/10/2015		\$18.50

Total: \$116.74



**NOTICE OF VIOLATION
AND
NOTICE OF HEARING**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. CEB # 13-926

To: Kimberly A Pappadoulis
10270 NW 35th St Unit U2
Coral Springs, FL 33065

Re: 5313 Christianity Avenue
Port Orange, FL 32127
Parcel ID: 6314-03-17-0130

LEGAL DESCRIPTION: LOTS 2 3 & 4 BLK 39 ALLANDALE MB 4 PG 146 PER OR 2534 PG 1093 PER OR 5910 PG 3591
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 12, 2013, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances) 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.

City of Port Orange Code of Ordinances Chapter 42 Article II, 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.

Simply stated, the entire property needs to be mowed and all trash and debris needs to be removed.

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** on **October 23, 2013, 9:00 a.m.**, 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.

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 \$ ~~6.31~~ 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.

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **October 2, 2013**.

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** even if the violation has been corrected prior to the scheduled hearing. 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.

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.

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

DATED this 19th day of September, 2013

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 Kimberly A Pappadoulis 5313 Christy Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

this 19th day of September, 2013

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kimberly A Pappadoulis 10270 NW 35th St Unit U2, Coral Springs, FL 33065, was

☒ Posted at City Hall

☒ Sent via certified

this 19th day of September, 2013

Theresa Dittney
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.

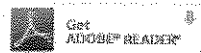
ACCOMMODATIONS

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Notice of Proposed Property Tax



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Last Updated: 09-17-2013 Today's Date: 9-17-2013	Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser		
Full Parcel ID Short Parcel ID	10-16-33-07-39-0020 6310-07-39-0020	Mill Group	402 Port Orange
Alternate Key	3611373	2012 Final Millage Rate	22.05760
Parcel Status	Active Parcel	PC Code	02
Date Created	31 DEC 1981		
Owner Name	PAPPADOULIS KIMBERLY A		GO TO ADD'L OWNERS
Owner Name/Address 1			ESTIMATE TAXES
Owner Address 2	10270 NW 35TH ST UNIT U2		
Owner Address 3	CORAL SPRINGS FL		
Owner Zip Code	33065		
Location Address	5313 CHRISTIANCY AV PORT ORANGE 32127		

LEGAL DESCRIPTION

LOTS 2 3 & 4 BLK 39 ALLANDALE MB 4 PG 146 PER OR 2534 PG 109

3 PER OR 5910 PG 3591

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5910	3591	9/2006	Warranty Deed	Qualified Sale	Yes	72,500
2	2902	1731	11/1986	Quit Claim Deed	Affiliated Parties	Yes	100
3	2534	1093	1/1984	Warranty Deed	Affiliated Parties	Yes	100

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2012	20,250	14,650	0	34,900	34,900	34,900	34,900	0	34,900	34,900	0	34,900

Prepared by:
Barbara Lemmon
Adams Cameron Title Services, Inc.
444 Seabreeze Blvd, Suite 170
Daytona Beach, Florida 32118

File Number: 18671

09/11/2006 10:17 AM
Doc stamps 507.50
(Transfer Amt \$ 72500)
Instrument# 2006-227435 # 1
Book: 5910
Page: 3591
Diane M. Matousek
Volusia County, Clerk of Court

General Warranty Deed

Made this September 6, 2006 A.D. By **CHARLES W. THERRIEN**, a married man and **STEPHANIE THERRIEN**, a single woman, 12 Dunecrest Avenue, Monterey, California 93940, hereinafter called the grantor, to **Kimberly A. Pappadoulis**, a single woman, whose post office address is: 10270 Northwest 35th Street, U-2, Coral Springs, FL 33065, 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 2, 3 and 4, Block 39, REVISED PLAT OF ALLENDALE, according to the Plat thereof, as recorded in Plat Book 4, Page(s) 146, of the Public Records of Volusia County, Florida ~~Together with that Mobile Home designated as Make Manat, Year 1972~~
ID numbers ~~66006077074, 66006077075~~ Title Numbers 5940332/5940333

Said property is not the homestead of the Charles W. Therrien who resides 12 Dunecrest Avenue, Monterey, CA 93940
Parcel ID Number: 6310 07 39 0020

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.

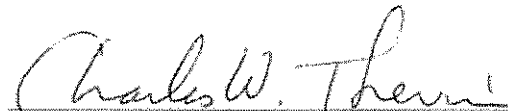
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful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

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

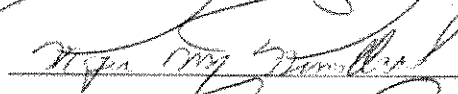
Signed, sealed and delivered in our presence:



Witness Printed Name CINDY HARPER



CHARLES W. THERRIEN (Seal)
Address: 12 Dunecrest Avenue, Monterey, California 93940



Witness Printed Name STEPHANIE THERRIEN



STEPHANIE THERRIEN (Seal)
Address: _____

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 6th day of September, 2006, by **CHARLES W. THERRIEN**, a married man

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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 13-926**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

Kimberly A Pappadoulis
5313 Christianity Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

AMENDED FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 23, 2013, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff, thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent, Kimberly A Pappadoulis, whose mailing address is 10270 NW 35th St. Unit U2, Coral Springs, FL 33065, is the owner of the property located at 5313 Christianity Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 2 3 & 4 BLK 39 ALLANDALE MB 4 PG 146 PER OR 2534 PG 109
3 PER OR 5910 PG 3591

B. The condition of the entire property needing to be mowed and all trash and debris needs to be removed was first observed at the real property described above on April 12, 2013; re-inspections made on October 3, 2013, confirmed the condition as being the same. The most recent inspection was on October 22, 2013 resulting in non-compliance. Respondent, Kimberly A Pappadoulis, received notice via certified mail, first class, and hand delivery on September 20, 2013, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) 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. City of Port Orange Code of Ordinances Chapter 42 Article II, 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, and was to be corrected by October 2, 2013.

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

CONCLUSION OF LAW:

Respondent, Kimberly A Pappadoulis, by reason of the foregoing, has violated 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. City of Port Orange Code of Ordinances Chapter 42 Article II, 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, in that the respondent failed, on or before the date set in the notice of violation, to remedy the condition of the entire property needing to be mowed and all trash and debris needs to be removed, and is therefore subject to the provisions of Chapter 162, Florida Statutes (2011).

ORDER:

A. Respondent shall correct the aforesaid violation mowing the entire property and removing all trash and debris on or before November 4, 2013. In the event that the property is not brought into compliance on or before November 4, 2013, a fine of **\$250.00** per day shall be imposed for each day the violation continues past November 4, 2013 and run until the property is brought into compliance. The City shall have the option to abate the violation and future violations of the same ordinances, as long as the property is legally owned by Kimberly A Pappadoulis and lien the property for the total cost of the abatement. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$6.97 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.

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

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Section 162.07, Florida Statutes (2011).

NUNC PRO TUNC TO OCTOBER 23, 2013
DONE AND ORDERED this 0 day of April, 2014.

Attest: *Theresa Hutter*
Secretary, Code Enforcement Special Magistrate

By: *[Signature]*
Code Enforcement Special Magistrate

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

Amelia B...
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 Kimberly A Pappadoulis at 10270 NW 35th Street Unit U2, Coral Springs, FL 33065, by Certified and Regular U.S. Mail this 17th day of April, 2014.

Theresa Hutter
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 17 day of April, 2014.
By: *[Signature]*



Kimberly A. Pappadoulis
PNC Bank NA
C/o Weltman Weinberg & Reis CO.
Case #13-926
Page 1 of 2

NOTICE OF HEARING

CITY OF PORT ORANGE, FLORIDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. CEB # 13-926

Kimberly A. Pappadoulis
10270 NW 35th St. Unit U2
Coral Springs, FL 33065
PNC Bank NA
C/O Weltman Weinberg & Reis CO
550 W. Cypress Creek Rd
FT Lauderdale, FL 33309
Re: 5313 Christianity Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-39-0020
LOTS 2 3 & 4 BLK 39 ALLANDALE MB 4 PG 146 PER OR 2534 PG 109
3 PER OR 5910 PG 3591 PER OR 6987 PG 2279
Volusia County Public Records
Volusia County, FL

To: Kimberly A. Pappadoulis
10270 NW 35th St. Unit U2
Coral Springs, FL 33065
PNC Bank NA
C/O Weltman Weinberg & Reis CO
550 W. Cypress Creek Rd
FT Lauderdale, FL 33309
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Pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **Wednesday, June 10, 2015, at 9:00 a.m.**, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting a Fine/Lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

As per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub subsection (a)." The cost to date is \$59.32 as indicated on the cost sheet that will be 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.

DATED this 8 day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By: Theresa Gutierrez

Theresa Gutierrez, Special Magistrate Secretary

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing to Kimberly A. Pappadoulis, 10270 NW 35th St. Unit U2, Coral Springs, FL 33065 and PNC Bank NA C/O Weltman Weinberg & Reis CO, 550 W. Cypress Creek Rd., FT. Lauderdale, FL 33309 has been sent via certified mail and posted at City Hall this 8 day of May, 2015

Theresa Gutierrez
Theresa Gutierrez, Special Magistrate Secretary

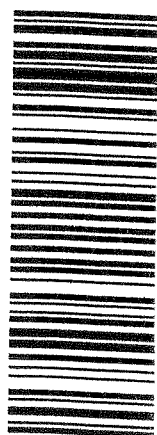
IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD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

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.

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PNC Bank NA
C/o Weltman Weinberg & Reis Co.
550 W. Cypress Creek Rd.
FT Lauderdale, FL 33309
Case #13-926 SM 6/10/15

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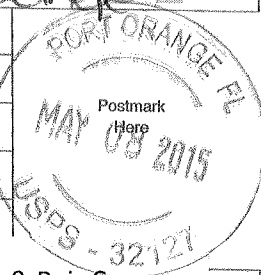
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