



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, July 8, 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 - June 10, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. CEB Case No.: 15-222

Respondent: RRRAC LLC

Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 03/24/2015

Compliance: No

Cited for violation(s) - 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

City of Port Orange Land Development Code, Chapter 12, Section 6(f)(1), Section 2(b)(3)(a), Section 3(c)

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f)

2010 Florida Building Code as adopted by the City of Port Orange Land Development Code, Chapter 8, Section 1

2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

2011 NFPA 10 and 2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

305.3 The ceiling is falling and there is visible water damage in room #5

304.7 The roof is leaking, collapsing and visibly deteriorated allowing water to enter the building. Fascia and soffit is rotted and needs to be replaced. Roof needs repaired/replaced.

304.14 Window screens are required. Replace all damaged or missing screens.

502.1 Toilets and sinks must be in good working order. Repair.

506.2 Repair sewage line break on back side of motel along Orange Avenue.

507.1 Repair trench on back side of property where ground has eroded from run-off along Orange Avenue. Remove PVC piping along fence that appears to be unused.

602.3, Heat supply during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Chapter 12, Section 6(f)(1).

Chapter 12, Section 2(b)(3)(a).

Chapter 12, Section 3(c).

5. **CEB Case No.:** 15-644

Respondent: T & D Rental Investment Group, LLC

Address of Violation: 97 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-790

Respondent: Kenneth P. Galvis

Address of Violation: 146 West Gate Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 Traffic, Article II, Section 70-47 (b) (2) of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-594

Respondent: Candace Beach

Address of Violation: 47 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

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

Section 105.1 of the 2010 Florida Building Code.

8. **CEB Case No.:** 15-467

Respondent: Theresa A. Evans

Address of Violation: 1300 Harms Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

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

9. **CEB Case No.:** 15-741

Respondent: Sandra E. Quinlan Estate

Donald J. Trzuskowski

Address of Violation: 145 West Gate Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 Traffic, Article II, Section 70-47 (b) (2) of the City of Port Orange Code of Ordinances.

10. **CEB Case No.:** 15-691

Respondent: Robert J. Kiecksee

Address of Violation: 1108 Little Garden Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

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

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

11. **CEB Case No.:** 14-2221

Respondent:

MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.

DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Address of Violation: 403 Herbert Street, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

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), (c) Maintenance of Commercial and Industrial Zoned Lots.

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, Waste, Trash, Etc.

12. **CEB Case No.:** 15-792

Respondent: Gloria J. Murch
One West Bank N.A.

Address of Violation: 1217 Jeffrey Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: Yes

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) of the City of Port Orange Code of Ordinances.

13. **CEB Case No.:** 15-800

Respondent: Ryan C. Williams &
Amber R Mason JTRS

Address of Violation: 1064 York Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/28/2015

Compliance: Yes

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 and (f) Garbage, waste, trash, etc., prohibited 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.

14. CEB Case No.: 15-371

Respondent: Milan Khanna

Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: Yes

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

15. CEB Case No.: 14-946

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5245 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

16. CEB Case No.: 14-1036

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5279 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section

317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

17. 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.

18. CEB Case No.: 15-039

Respondent: Andreas M. Schill

Address of Violation: 5831 Wales Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified:

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d)(f)(h).

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32 2015.

International Property Maintenance Code, Chapter 3, 302.7 Accessory Structures, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

19. **CEB Case No.:** 15-276

Respondent: Jeffery E. Rivers ETAL

Address of Violation: 98 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified:

Compliance: No

Cited for violation(s) - 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 and (f) Garbage, waste, trash, etc., prohibited.

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

Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

20. **CEB Case No.:** 15-513

Respondent: Valerie Potter

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

Code Officer: Amanda Bonin

First Notified:

Compliance: No

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

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

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

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

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development

Code.

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

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

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 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2).

21. CEB Case No.: 15-270

Respondent: Milton Jesus Corchado

Address of Violation: 5278 Plantation Home Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: Yes

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

22. CEB Case No.: 15-464

Respondent: Michael Viala

Address of Violation: 49 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/22/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

23. CEB Case No.: 15-476

Respondent: Patricia Manos

Address of Violation: 226 Pinerock Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/23/2015

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 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 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), 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
JUNE 10, 2015

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:05 a.m.

<u>PRESENT:</u>	Raymond Branch, Special Magistrate
<u>ALSO PRESENT:</u>	Chris Hutchison, Code Enforcement Supervisor
	Scott Allman, Code Enforcement Inspector
	Dena Joseph, Code Enforcement Inspector
	Deborah Faircloth, 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; Dena Joseph, Code Compliance Inspector; and Chris Hutchison, Code Compliance Supervisor, was sworn in by Special Magistrate Branch.

Consideration of Minutes

Special Magistrate Branch approved the May 6, 2015 meeting minutes.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

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

Respondent: Troy Loprino & Susan Plebanek

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

Code Officer: Deborah Faircloth

First Notified: 05/04/2015

Compliance: No

Cited for violations(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.

The violation was first observed on April 21, 2015. Ms. Faircloth received a complaint that there was automobile repair going on at the property. The notice was hand delivered to Troy Loprimo on May 14, 2015. The violation was to be corrected by May 15, 2015. An inspection on May 18, 2015 showed all the violations except for the broken window had been abated.

Ms. Faircloth request to dismiss 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 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, and 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.

Special Magistrate Branch dismissed 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 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, and 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.

Ms. Faircloth presented pictures dated April 28, 2015 and June 8, 2015. The June 8, 2015 photos depicted the shattered window at the residency. Special Magistrate Branch admitted the photos into evidence.

Ms. Faircloth said she has spoken with Mr. Loprimo. Mr. Lorprimo advised Ms. Faircloth that he is trying to save up money to replace the window.

Based on the information presented in case no. 15-678, Ms. Faircloth is requesting the Special Magistrate to find that Troy Loprimo & Susan Plebanek, property owners of 5357 Christiancy Avenue, Port Orange, FL 32127, be found in violation of the 2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (window, skylight and door frames) as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Special Magistrate Branch found case no. 15-678 in violation of the 2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (window, skylight and door frames) as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Ms. Faircloth request that the violation be corrected on or before June 24, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past June 24, 2015.

Ms. Faircloth also request that 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 \$40.46 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.

Special Magistrate Branch ordered Ms. Faircloth's recommendations.

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 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: Entire property must be mowed and maintained

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles), (c) Restrictions, (1) (a) and (b), (2) of the City of Port Orange Code of Ordinances: disabled or abandoned truck in the driveway must be parked within a completely enclosed garage or parked properly in the driveway and covered with a standard vehicle cover in good repair.

Ms. Joseph request for case no. 15-0359 be dismissed due to the property owner coming in compliance with the notice. Special Magistrate Branch dismissed case no. 15-0359.

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

Respondent: Dorothy B. Phillips

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

Code Officer: Dena Joseph

First Notified: 04/28/2015

Compliance: No

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 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles), (c) Restrictions, (1) (a) and (b), (2) of the City of Port Orange Code of Ordinances: disabled or abandoned truck in the driveway must be parked within a completely enclosed garage or parked properly in the driveway and covered with a standard vehicle cover in good repair.

The violation was first observed on March 26, 2015. The alleged violator was given notice on May 11, 2015 by posting the notice on the property. Additionally, the notice was sent via certified mail. The certified mail has not been returned to the City Clerk's Office. The violation was to be corrected by May 21, 2015. Upon re-inspection on May 22, 2015, the property was in partial compliance. The yard had been mowed and the outside items had been removed. The inoperable/unregistered vehicle in the driveway was not properly stored, removed, or covered as instructed. The most recent inspection was on June 9, 2015 resulting in non-compliance with the inoperable/unregistered vehicle still parked in the driveway.

Ms. Joseph requested to dismiss 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.

Special Magistrate Branch dismissed 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.

Ms. Joseph said she has been in contact with the property owner. Ms. Philips advised Ms. Joseph that she is trying to save up money to purchase an approved car cover.

Ms. Joseph presented pictures of dated May 11, 2015 and June 9, 2015. Special Magistrate Branch omitted the photos into evidence.

Based on the information presented in case no. 15-0488, Ms. Joseph is requesting the Special Magistrate to find that Dorothy B. Phillips, property owner of 4528 Nettle Creek Court, Port Orange, FL 32127, be found in violation of 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. Special Magistrate Branch found case no. 15-0488 in violation of 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.

Ms. Joseph request that the violation be corrected on or before June 17, 2015. If the accused does not comply with this Order, a fine of \$100 be imposed for each day the violation continues past June 17, 2015. Ms. Joseph 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 \$40.42 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.

Special Magistrate Branch ordered a compliance date of June 19, 2015. If the respondent does not come into compliance on or before June 19, 2015 a fine of \$100 per day shall be assessed for each day the violation continues past June 19, 2015. Additionally, the cost in the amount of \$40.42 is ordered. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

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

Respondent: Jeffrey A. & Cindy J. Smith

Address of Violation: 1220 Jeffrey Drive, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/01/2015

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.

Mr. Hutchison request for case no. 15-752 be dismissed due to the property owners coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-752.

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: 02/13/2015

Compliance: Yes

Cited for violations(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.)

Mr. Hutchison request for case no. 14-2214 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 14-2217.

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: 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.

Mr. Allman said this case was first heard on May 6, 2015. The respondents were found in violation of Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances. The respondents were given until May 15, 2015 to come into compliance. A re-inspection on May 18, 2015 showed no compliance. Mr. Allman said the County has went out and abated the violation. The County was contacted and confirmed that the violation was abated on May 28, 2015.

Mr. Allman request a fine of \$500 per day commencing from May 16, 2015 through May 28, 2015 for a total fine of \$6,500 with costs to date totaling \$103.85.

Special Magistrate Branch ordered Mr. Allman's recommendation for a total fine of \$6,603.85

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

Respondent:

Address of Violation: Kimberly A. Pappadoulis & PNC Bank NA
C/o Weltman Weinberg & Reis, Co.

Code Officer: Amanda Bonin

First Notified: 09/19/2013

Compliance: No

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 Lot 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.

Special Magistrate Branch request to dismiss case no. 13-926. The fine has been paid and an Affidavit of Compliance will be issued. Special Magistrate Branch dismissed case no. 13-926.

D. PUBLIC COMMENTS: None.

E. ADJOURNMENT: 9:41 a.m.

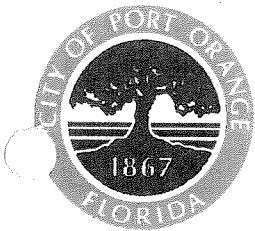
Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-222

Name	Activity	Activity_Date	Status	Cost
RRRAC LLC	Notice of Violation/Notice of Hearing hand delivered to Ram Managar on March 24, 2015 at 9:10 a.m.	03/24/2015	Hand Delivered	\$0.00
RRRAC LLC	Mailing Finding of Fact/Conclusion of Law & Order to 1559 Town Park Drive, Port Orange, FL 32129	05/27/2015		\$6.48
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$33.48



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-222

To: RRRAC LLC
1559 Town Park Drive
Port Orange, FL 32129

Re: 5080 Ridgewood Avenue
Port Orange, FL 32127
Parcel ID: 6310-12-08-0010

LEGAL DESCRIPTION: LOTS 1 & 2 BLK 8 NORWOOD EXC PART IN RD PER OR 3885 PG 1557 PER OR 6954 PG
4907

Volusia County Public Records
Volusia County, FL

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

The 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

City of Port Orange Land Development Code, Chapter 12, Section 6(f)(1), Section 2(b)(3)(a), Section 3(c)

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f)

2010 Florida Building Code as adopted by the City of Port Orange Land Development Code, Chapter 8, Section 1

2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

2011 NFPA 10 and 2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

On February 24, 2015, after receiving a complaint from a tenant at this property, Kerry Leuzinger, Building Official, Chris Weir, Fire Marshal, Chris Hutchison, Code Enforcement Supervisor, and Deborah Faircloth, Code Enforcement Officer, inspected this property. At the time of inspection, the following violations were noted:

305.3 The ceiling is falling and there is visible water damage in room #5

304.7 The roof is leaking, collapsing and visibly deteriorated allowing water to enter the building. Fascia and soffit is rotted and needs to be replaced. Roof needs repaired/replaced.

304.14 Window screens are required. Replace all damaged or missing screens.

502.1 Toilets and sinks must be in good working order. Repair.

506.2 Repair sewage line break on back side of motel along Orange Avenue.

507.1 Repair trench on back side of property where ground has eroded from run-off along Orange Avenue. Remove PVC piping along fence that appears to be unused.

602.3, *Heat supply* during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Port Orange Land Development Code prohibits accessory driveway off of Orange Blvd. as follows:

Chapter 12, Section 6(f)(1) - All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Port Orange, except as otherwise permitted herein. See Standard Construction Detail (SCD M-6)

Chapter 12, Section 2(b)(3)(a) - The design of access drives shall be in accordance with the following provisions: *Minor driveway entrance*. This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or a maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12 feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

Chapter 12, Section 3(c) - Distance between access points and intersections. Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'

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 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 May 27, 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 \$0.00 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 27, 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 8, 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) 506-5644.

DATED this 24th day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32129, was

☒ Hand-delivered at City Hall

☐ Posted at the property (5080 Ridgewood Ave., Port Orange, FL)

Time: 9:10am.

this 24th day of March, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to RRRAC LLC, 1559 Town Park Dr., Port Orange, FL 32127, was

Posted at City Hall

Sent via certified

this ____ day of March, 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.

X
Ran K mg
3/24/15 9:10 AM



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: 03-10-2015 Today's Date: 3-16-2015		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	10-16-33-12-08-0010	Mill Group	402 Port Orange		
Short Parcel ID	6310-12-08-0010				
Alternate Key	3616588	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	39		
Date Created	31 DEC 1981				
Owner Name	RRRAC LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1559 TOWN PARK DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5080 RIDGEWOOD AV PORT ORANGE 32127				

LEGAL DESCRIPTION

LOTS 1 & 2 BLK 8 NORWOOD EXC PART IN RD PER OR 3885 PG 1557

PER OR 6954 PG 4907

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6954	4907	5/2013	Quit Claim Deed	Unqualified Sale	Yes	100
2	3885	1557	7/1993	Warranty Deed	Qualified Sale	Yes	111,600
3	3678	0232	8/1991	Warranty Deed	Qualified Sale	Yes	200,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	78,039	16,939	2,534	97,512	97,512	97,512	97,512	0	97,512	97,512	0	97,512
2013	78,039	15,972	2,607	96,618	96,618	96,618	96,618	0	96,618	96,618	0	96,618

LAND DATA

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

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

RRRAC, LLC:

Filing Information

Document Number	L13000067433
FEI/EIN Number	05-0709837
Date Filed	05/07/2013
State	FL
Status	ACTIVE

Principal Address1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Mailing Address**1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Registered Agent Name & Address**MANGAR, RAM K
1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Authorized Person(s) Detail****Name & Address**

Title MGR

MANGAR, RAM K
1559 TOWN PARK DRIVE
PORT ORANGE, FL 32129**Annual Reports**

Report Year	Filed Date
2014	04/29/2014
2015	02/11/2015

Document Images

02/11/2015 -- ANNUAL REPORT

[View image in PDF format](#)

Prepared by and Return to:

D. Michael Clower, Esq.
322 Silver Beach Avenue
Daytona Beach, FL 32118

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, Executed the 2nd day of May, 2013,
by RAM K. MANGAR and RAMRAGIE MANGAR, husband and wife, first party, to RRRAC,
LLC, a Florida limited liability company, second party, whose post office address is 1559 Town Park
Drive, Port Orange, FL 32129.

*(Wherever used herein the terms "first party" and "second party" include all the parties to this
instrument and the heirs, legal representative, and assigns of individuals, and the successors and
assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the first party, for and in consideration of the sum of ten dollars
(\$10.00), and other good and valuable consideration, paid by the party of the second part, the receipt
whereof is hereby acknowledge, does hereby remise, release and quitclaim unto the second party
forever, all the right, title, interest, claim and demand which the said first part has in and to the
following described parcel of land, and improvements and appurtenances thereto, in the County of
Volusia, State of Florida, to wit:

Lots 1 and 2, Block 8, NORWOOD SUBDIVISION, according to the official records thereof
as recorded in OR Map Book 5, Page 1, Public Records of Volusia County, Florida. Tax
Parcel I.D. No. 6310-12-08-0010.

TO HAVE AND TO HOLD, The same together with all singular the appurtenances thereunto
belonging or in anyway appertaining, and all the estate, right, title, interest lien, equity and claim
whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof
of the said second party.

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

Signed, sealed and delivered
in the presence of

Cladwaf
Witness As To Both Grantors
D.M. Clower
Witness As To Both Grantors

Ram K Mangar
Ram K. Mangar, Grantor/First Party
Ramragie Mangar
Ramragie Mangar Grantor/First Party

Instrument# 2014-020076 # 2
Book: 6954
Page: 4908
Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

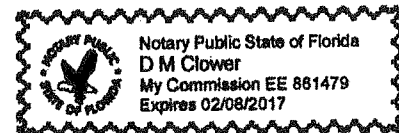
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and purposes set forth therein. The Deponents are personally known to me, or provided the following identification: _____.

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of May, 2013.

D.M. Clower
Notary Signature

D.M. CLOWER
Printed Name of Notary

SEAL



national 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. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all 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.

Exceptions:

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

305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

305.5 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.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

SECTION 306 COMPONENT SERVICEABILITY

306.1 General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. *Deterioration*;
 - 2.2. *Ultimate deformation*;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. *Detached*, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. *Deterioration*;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;
 - 3.4. *Ultimate deformation*;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. *Detached*, dislodged or failing connections.

kept in such condition so as to prevent the entry of rodents and other pests.

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

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

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

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

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

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

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

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

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

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

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of not less than 16 mesh per inch (16

mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

304.15 Doors. All exterior doors, door assemblies 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 lock throw of not less than 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.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *Inter-*

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

[P] SECTION 502 REQUIRED FACILITIES

502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

502.2 Rooming houses. At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

502.4 Employees' facilities. A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

[P] SECTION 503 TOILET ROOMS

503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505 WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumb-

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

506.3 Grease interceptors. Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

[P] SECTION 507 STORM DRAINAGE

507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

601.1 Scope. The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

601.2 Responsibility. The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

SECTION 602 HEATING FACILITIES

602.1 Facilities required. Heating facilities shall be provided in structures as required by this section.

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Exception: In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

602.3 Heat supply. Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

602.5 Room temperature measurement. The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

SECTION 603 MECHANICAL EQUIPMENT

603.1 Mechanical appliances. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

603.2 Removal of combustion products. All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

Exception: Fuel-burning equipment and appliances which are *labeled* for unvented operation.

603.3 Clearances. All required clearances to combustible materials shall be maintained.

603.4 Safety controls. All safety controls for fuel-burning equipment shall be maintained in effective operation.

603.5 Combustion air. A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

603.6 Energy conservation devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a rating of not less than 60 amperes.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, *deterioration* or damage, or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

604.3.1 Abatement of electrical hazards associated with water exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated 600 volts or less;
2. Busway, rated 600 volts or less;
3. Panelboards, rated 600 volts or less;
4. Switchboards, rated 600 volts or less;
5. Fire pump controllers, rated 600 volts or less;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;

18. Electronic control, signaling and communication equipment.

604.3.2 Abatement of electrical hazards associated with fire exposure. The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to fire.

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the *International Building Code*.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or *approved* manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and *approved* manner.

605.2 Receptacles. Every *habitable space* in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain at least one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building *operator* or be posted in a publicly conspicuous location *approved* by the *code official*. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

701.1 Scope. The provisions of this chapter shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities and equipment to be provided.

701.2 Responsibility. The *owner* of the *premises* shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* that do not comply with the requirements of this chapter.

[F] SECTION 702 MEANS OF EGRESS

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the *public way*. Means of egress shall comply with the *International Fire Code*.

702.2 Aisles. The required width of aisles in accordance with the *International Fire Code* shall be unobstructed.

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the *International Building Code*.

702.4 Emergency escape openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

[F] SECTION 703 FIRE-RESISTANCE RATINGS

703.1 Fire-resistance-rated assemblies. The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

703.2 Opening protectives. Required opening protectives shall be maintained in an operative condition. All fire and smokestop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

[F] SECTION 704 FIRE PROTECTION SYSTEMS

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the *International Fire Code*.

704.1.1 Automatic sprinkler systems. Inspection, testing and maintenance of automatic sprinkler systems shall be in accordance with NFPA 25.

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of *occupant* load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of *bedrooms*.
2. In each room used for sleeping purposes.
3. In each story within a *dwelling unit*, including *basements* and cellars but not including crawl spaces and uninhabitable attics. In dwellings or *dwelling units* with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the *International Fire Code*.

704.3 Power source. In Group R occupancies and in dwellings not regulated as Group R occupancies, single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exception: Smoke alarms are permitted to be solely battery operated in buildings where no construction is taking place, buildings that are not served from a commercial power source and in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or *basement* available which could provide access for building wiring without the removal of interior finishes.

704.4 Interconnection. Where more than one smoke alarm is required to be installed within an individual *dwelling unit* in Group R-2, R-3, R-4 and in dwellings not regulated as Group R occupancies, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible

Faircloth, Deborah

From: Burman, Tim
Sent: Friday, March 13, 2015 8:53 AM
To: Faircloth, Deborah
Cc: Hutchison, Chris
Subject: Triange Motel Access Drive - Code Requiremntns
Attachments: M-6 - Driveway Apron.pdf

Deb,

Was able to find 3 code sections pertaining to the gravel driveway located off Isabelle. If this driveway was proposed, the following codes would prohibit a driveway going in at this location



- Chapter 12, Section 6(f)(1) - All parking and loading spaces, access drives, aisles, and other means of vehicular access required under this code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Port Orange, except as otherwise permitted herein. See Standard Construction Detail (SCD M-6)

Chapter 12, Section 2(b)(3)(a) - The design of access drives shall be in accordance with the following provisions: *Minor driveway entrance*. This driveway type shall be provided for a maximum daily trip end volume of 500 vehicles and/or maximum average peak hour volume of 50 vehicles. The minimum distance from the street right-of-way line at any ingress or egress minor driveway to the outer edge of any interior service drive or parking space with direct access to such driveway shall be 25 feet, measured perpendicular from the street. The city may require a turn lane of twelve 12

feet in width, with minimum 150 feet of storage and 100 feet of transition, unless a traffic engineering study acceptable to the city demonstrates that the absence of such a lane will not adversely impact traffic conditions.

Chapter 12, Section 3(c) - Distance between access points and intersections. Access points upstream from intersections of higher or similar classification to the accessed road should be located as far as feasible from the intersection to provide for stacking and protection of left turn movements. Minimum distance from the intersecting right-of-way line to nearest edge of driveway shall be as follows:

	Arterial	Major Collector	Minor Collector	Local
Residential A	*	*	45'	30'
Residential B	*	60'	60'	45'
Light commercial	150'	120'	90'	60'
Heavy commercial	200'	150'	105'	60'

The gravel driveway is about 20' from the right-of-way.

Tim B.

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) *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. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26.
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into

The minimum *ventilation* rates shall be 50 cubic feet per minute (24 L/s) for intermittent *ventilation* or 20 cubic feet per minute (10 L/s) for continuous *ventilation*. *Ventilation* air from the space shall be exhausted directly to the outside.

R303.4 Opening location. Outdoor intake and exhaust openings shall be located in accordance with Sections R303.4.1 and R303.4.2.

R303.4.1 Intake openings. Mechanical and gravity outdoor air intake openings shall be located a minimum of 10 feet (3048 mm) from any hazardous or noxious contaminant, such as vents, chimneys, plumbing vents, streets, alleys, parking lots and loading docks, except as otherwise specified in this code. Where a source of contaminant is located within 10 feet (3048 mm) of an intake opening, such opening shall be located a minimum of 2 feet (610 mm) below the contaminant source.

For the purpose of this section, the exhaust from *dwelling* unit toilet rooms, bathrooms and kitchens shall not be considered as hazardous or noxious.

R303.4.2 Exhaust openings. Exhaust air shall not be directed onto walkways.

R303.5 Outside opening protection. Air exhaust and intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles having a minimum opening size of $\frac{1}{4}$ inch (6 mm) and a maximum opening size of $\frac{1}{2}$ inch (13 mm), in any dimension. Openings shall be protected against local weather conditions. Outdoor air exhaust and intake openings shall meet the provisions for *exterior wall* opening protectives in accordance with this code.

R303.6 Stairway illumination. All interior and exterior stairways shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. For interior stairs the artificial light sources shall be capable of illuminating treads and landings to levels not less than 1 foot-candle (11 lux) measured at the center of treads and landings. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a *basement* from the outside *grade* level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

Exception: An artificial light source is not required at the top and bottom landing, provided an artificial light source is located directly over each stairway section.

R303.6.1 Light activation. Where lighting outlets are installed in interior stairways, there shall be a wall switch at each floor level to control the lighting outlet where the stairway has six or more risers. The illumination of exterior stairways shall be controlled from inside the *dwelling* unit.

Exception: Lights that are continuously illuminated or automatically controlled.

R303.7 Required glazed openings. Required glazed openings shall open directly onto a street or public alley, or a *yard* or court located on the same *lot* as the building.

Exceptions:

1. Required glazed openings may face into a roofed porch where the porch abuts a street, *yard* or court and the longer side of the porch is at least 65 percent unobstructed and the ceiling height is not less than 7 feet (2134 mm).
2. Eave projections shall not be considered as obstructing the clear open space of a *yard* or court.
3. Required glazed openings may face into the area under a deck, balcony, bay or floor cantilever provided a clear vertical space at least 36 inches (914 mm) in height is provided.

R303.7.1 Sunroom additions. Required glazed openings shall be permitted to open into sunroom *additions* or patio covers that abut a street, *yard* or court if in excess of 40 percent of the exterior sunroom walls are open, or are enclosed only by insect screening, and the ceiling height of the sunroom is not less than 7 feet (2134 mm).

R303.8 Required heating. When the winter design temperature in Table R301.2(1) is below 60°F (16°C), every *dwelling unit* shall be provided with heating facilities capable of maintaining a minimum room temperature of 68°F (20°C) at a point 3 feet (914 mm) above the floor and 2 feet (610 mm) from exterior walls in all habitable rooms at the design temperature. The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

SECTION R304 MINIMUM ROOM AREAS

R304.1 Minimum area. Every *dwelling* unit shall have at least one habitable room that shall have not less than 120 square feet (11 m²) of gross floor area.

R304.2 Other rooms. Other habitable rooms shall have a floor area of not less than 70 square feet (6.5 m²).

Exception: Kitchens.

R304.3 Minimum dimensions. Habitable rooms shall not be less than 7 feet (2134 mm) in any horizontal dimension.

Exception: Kitchens.

R304.4 Height effect on room area. Portions of a room with a sloping ceiling measuring less than 5 feet (1524 mm) or a furred ceiling measuring less than 7 feet (2134 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.

SECTION R305 CEILING HEIGHT

R305.1 Minimum height. *Habitable space*, hallways, bathrooms, toilet rooms, laundry rooms and portions of *basements*

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

401.2 Compliance. Projects shall comply with Sections 401, 402.4, 402.5, and 403.1, 403.2.2, 403.2.3, and 403.3 through 403.9 (referred to as the mandatory provisions) and either:

1. Sections 402.1 through 402.3, 403.2.1 and 404.1 (prescriptive); or
2. Section 405 (performance).

401.3 Energy performance level (EPL) display card. The building official shall require that an energy performance level (EPL) display card be completed and certified by the builder to be accurate and correct before final approval of the building for occupancy. Florida law (Section 553.9085, *Florida Statutes*) requires the EPL display card to be included as an addendum to each sales contract for both presold and nonpresold residential buildings. The EPL display card contains information indicating the energy performance level and efficiencies of components installed in a dwelling unit. The building official shall verify that the EPL display card completed and signed by the builder accurately reflects the plans and specifications submitted to demonstrate code compliance for the building. A copy of the EPL Display Card can be found in Appendix C.

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

402.1.1 Component criteria. The *building thermal envelope* and air distribution system shall meet the requirements of Table 402.1.1.

402.1.1.1 R-value computation. Insulation material used in layers, such as framing cavity insulation and insulating sheathing, shall be summed to compute the component R-value. The manufacturer's settled R-value shall be used for blown insulation. Computed R-values shall not include an R-value for other building materials or air films.

402.1.1.2 U-factor alternative. An assembly with a U-factor equal to or less than that specified in Table 402.1.1.3 shall be permitted as an alternative to the corresponding component R-value in Table 402.1.1. All other prescriptive criteria of Table 402.1.1, the prescriptive criteria in Section 402.1.2.4 and footnotes to Table 402.1.1.3 shall be met.

402.1.1.3 Total UA alternative. If the total *building thermal envelope* UA (sum of U-factor times assembly area) is less than or equal to the total UA resulting from using the U-factors in Table 402.1.1.3 (multiplied by the same assembly area as in the proposed building), the building shall be considered in compliance with Table 402.1.1. All other prescriptive criteria of Table 402.1.1,

the prescriptive criteria in Section 402.1.2.4 and footnotes to Table 402.1.1.3 shall be met. The UA calculation shall be done using a method consistent with the ASHRAE *Handbook of Fundamentals* and shall include the thermal bridging effects of framing materials. The SHGC requirements of Table 402.1.1 shall be met in addition to UA compliance.

402.1.2 Limitations to compliance by Section 402.

402.1.2.1 Electric space heating. Electric resistance space heating systems shall not be used when complying with this code by Section 402.

402.1.2.2 Air handlers in attics. Air handlers may not be installed in attics when complying with Section 402.

402.1.2.3 Maximum percent window area. The window area as a percentage of the conditioned floor area (CFA) shall not exceed 20 percent.

Exceptions: The following exceptions apply to additions.

1. When a fenestration(s) in an existing exterior wall is being removed or enclosed by an addition, an amount equal to the total area of this fenestration may be subtracted from the total glass area prior to determining the installed glass percentage.
2. Additions of 600 square feet (56 m²) or less may have up to 50 percent glass to conditioned floor area.
3. Glass windows and doors that were previously located in an existing exterior wall that is being removed or enclosed by an addition do not have to comply with the U-factor and solar heat gain coefficient requirements in Table 402.1.1 when reinstalled as part of the addition.

402.1.2.4 Equipment efficiencies. Minimum equipment efficiencies for cooling, heating and water heating shall be code minimums as per Sections 503.

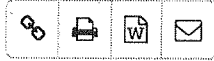
402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. Reserved.

402.2.2 Ceilings without attic spaces. Where Section 402.1.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section 402.1.1 shall be limited to 500 square feet (46 m²) or 20 percent of the total insulated ceiling area, whichever is less. This reduction shall not apply to the U-factor alternative approach in Section 402.1.1.2 and the total UA alternative in Section 402.1.1.3.

402.2.3 Access hatches and doors. Access doors from conditioned spaces to unconditioned spaces (e.g., attics

Section 2: - Fire codes.



All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

- (a) *In general.* Adopted fire codes [are necessary] for the reasonable protection of life and property from the hazards of fire and explosion due to the storage, use or handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.
- (b) *Adoption of Standard Fire Prevention Code.* The Florida Fire Prevention Code, current and future editions as adopted or amended by the state fire marshal, is adopted subject to al amendments, modifications

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-222

**RRRAC LLC
1559 Town Park Dr.
Port Orange, FL 32127,**

Respondent.

Property Address: 5080 Ridgewood Ave., Port Orange, FL
Parcel ID: 6310-12-08-0010

**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 5080 Ridgewood Avenue, Port Orange, Florida 32127, is owned by RRRAC LLC.
4. That 5080 Ridgewood 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 Port Orange City Hall, 1000 City Center Circle, Port Orange, Florida 32129, at 9:10 a.m. on the 24th day of March, 2015, to Ram Mangar, 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 24th day of March, 2015.

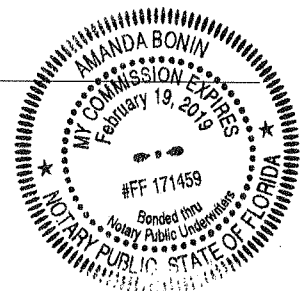
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 24th day of March, 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. 15-644

Name	Activity	Activity_Date	Status	Cost
T & D Rental Investment Group, LLC	Notice of Violation/Notice of Hearing	05/22/2015	Hand Delivered to Edith Bott at 4:15 p.m. on May 22, 2015.	\$0.00
T & D Rental Investment Group, LLC	Mailing Finding of Fact/Conclusion of Law & Order to 186 Lakeside Drive, Blairsville, GA 30512	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$34.21



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-644

To: T & D Rental Investment Group, LLC
186 Lakeside Dr.,
Blairsville, GA 30512

Re: 97 Stone Gate Ln.,
Port Orange, FL 32129
Parcel ID: 6308-02-00-0970

LEGAL DESCRIPTION: LOT 97 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3411 PG 1124 PER OR 5745 PG 4624 PER OR 6422 PG 2087 PER OR 6635 PG 4433
Volusia County Public Records, Volusia County, FL

An inspection of the premises on the 14th day of April, 2015, indicates that certain violation of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

On April 14, 2015, I inspected the property to find the backyard to be overgrown. I spoke with the resident Edith Bie who stated she is disabled and cannot do the work and that she would either have her son help her out or she would hire someone. To date, this property is still 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 must be corrected by the **31st 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 Magistrate the 8th day of July, 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 \$ 60.48 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 8th day of July, 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 12th day of August, 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- 5616.

DATED this 22nd day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By: Amanda Bonin
AMANDA BONIN, 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 T & D Rental Investment Group, LLC, 186 Lakeside Dr., Blairsville, GA 30512, was

☒ Hand-delivered to Edith Bott
☐ Posted at the property

Time: Approx. 4:15pm

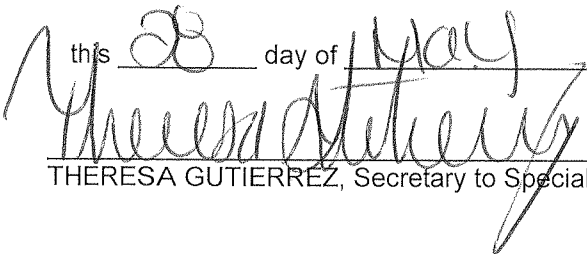
this 22nd day of May, 2015.

Amanda Bonin
AMANDA BONIN, 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 T & D Rental Investment Group, LLC, 186 Lakeside Dr., Blairsville, GA 30512, was

☐ Posted at City Hall
☐ Sent via certified

this 28 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. 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)



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: 05-19-2015 Today's Date: 5-19-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		08-16-33-02-00-0970 6308-02-00-0970		Mill Group 402 Port Orange	
Alternate Key		3599811		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 02	
Date Created		30 DEC 1981			
Owner Name		T & D RENTAL INVST GROUP LLC			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		186 LAKESIDE DR			
Owner Address 3		BLAIRSVILLE GA			
Owner Zip Code		30512			
Owner Percentage		100		Ownership Type	
Location Address		97 STONE GATE LN PORT ORANGE 32129			

LEGAL DESCRIPTION	
LOT 97 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3411 PG 1124	
PER OR 5745 PG 4624 PER OR 6422 PG 2087 PER OR 6635 PG 4433	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6635	4433	9/2011	Warranty Deed	Multi parcel sale	Yes	25,000
2	6422	2087	11/2009	Warranty Deed	Unqualified Sale	Yes	100
3	5745	4624	1/2006	Warranty Deed	Qualified Sale	Yes	65,000

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	4,820	17,800	0	22,620	22,620	22,620	22,620	0	22,620	22,620	0	22,620
2013	4,820	16,312	0	21,132	21,132	21,132	21,132	0	21,132	21,132	0	21,132

LAND DATA												
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09/28/2011 08:10 AM
Doc stamps 175.00
(Transfer Amt \$ 25000)
Instrument# 2011-163559 # 1
Book: 6635
Page: 4433
Diane M. Matousek
Volusia County, Clerk of Court

This Document Prepared By and Return to:
Fred B. Share
1092 Ridgewood Avenue
Holly Hill, Florida 32117

Parcel ID Number: 6315-08-00-0190

Warranty Deed

This Indenture, Made this 23rd day of September, 2011 A.D. Between
Palm's Land Investments, LLC, a Florida limited liability company

of the County of Volusia, State of Florida, grantor, and
T & D Rental Investment Group, LLC, a Florida limited liability company

whose address is: 186 Lakeside Drive, Blairsville, GA 30512

of the County of Union, State of Georgia, grantee.

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

----- 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:

PARCEL 1 - Lot 19, Southern Pines Subdivision, according to the map thereof, as
recorded in Map Book 33, page 47, of the Public Records of Volusia County,
Florida.

PARCEL 2- Lot 97, Twin Gates Mobile Estates Subdivision, according to the plat
thereof recorded in Map Book 33, page 48, Public Records of Volusia County,
Florida.

PARCEL 3- Lot 20, Block 6, HALIFAX MOBILE ESTATES, an unrecorded subdivision, also
described as follows: Commence at the Southeast corner of Section 16, Township 16
South, Range 33 East; thence North 00°37'20" West, 1375 feet along the East line
of said Section 16; Thence South 88°51'40" West, 1001.19 feet; Thence South 00°
13' East, 250 feet for a point of beginning; Thence South 88°51'40" West, 50 feet;
Thence South 00°13' East; 100 feet; Thence North 88°51'40" East, 50 feet; Thence
North 00°13' West, 100 feet to the Point of Beginning, all lying and being in the
East 1/4 of Section 16, Township 16 South, Range 33 East, Volusia County, Florida.

The preparer of the instrument was neither furnished with, nor
requested to review, an abstract on the described property and
therefore expresses no opinion as to condition of title.

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 its hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Palm's Land Investments, LLC, a
Florida limited liability company

By: Sheila L. Labosco (Seal)
Sheila L. Labosco, Managing Member
P.O. Address: 118 S. Beach Street, Daytona Beach, FL 32114

Printed Name: REGINA SHOVER
Witness

Regina Shover

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-644

T & D RENTAL INVESTMENT GROUP, LLC,

Respondent.

Property Address: 97 Stone Gate Lane
Port Orange, FL 32129
Parcel ID: 6308-02-00-0970

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF 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 97 Stone Gate Lane, Port Orange, Florida 32129, is owned by T & D Rental Investment Group, LLC.
4. That 97 Stone Gate Lane, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 97 Stone Gate Lane, Port Orange, Florida 32129, at 4:15 p.m. on the 22nd day of May, 2015, to Edith Bott, resident, 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.

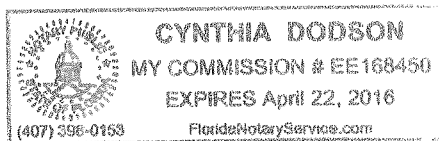
FURTHER AFFIANT SAYETH NOT.

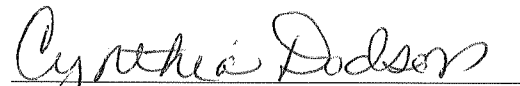
DATED this 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Hasler
05/28/2015
\$06.48
ZIP 32129
01101164012

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7014 2870 0000 2137 6259

Postage \$ 4.18
Certified Fee 3.30
Return Receipt Fee (Endorsement Required) 2.70
Restricted Delivery Fee (Endorsement Required) 4.18
Total Postage & Fees \$ 14.36

Postmark Here
JUL 23 2015
ORANGE FL

Sent To
Street & or PO Box
City, State

T & D Rental Investment Group, LLC
186 Lakeside Drive
Blairsville, GA 30512
Case #15-644 SM 7/8/15

PS Form 3811, July 2013

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:

T & D Rental Investment Group, LLC
186 Lakeside Drive
Blairsville, GA 30512
Case #15-644 SM 7/8/15

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)

C. Date of Delivery
6-17-15

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail® ☐ Priority Mail Express
☐ Registered ☒ Return Receipt for Mail
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

7014 2870 0000 2137 6259

PS Form 3811, July 2013

Domestic Return Receipt

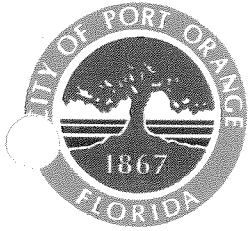
AFR FIVE DAYS RETURN TO
CITY OF PORT
000 CITY CENTER CIR
PORT ORANGE, FL 3212

Case Cost Sheet Log

Case No. 15-790

Name	Activity	Activity_Date	Status	Cost
Kenneth P. Galvis	Notice of Violation/Notice of Hearing	02/28/2015	Hand Delivered to Ashely Galvis at 2:30 p.m. on May 15, 2015.	\$0.00
Kenneth P. Galvis	Mailing Finding of Fact/Conclusion of Law & Order to 146 West Gate Drive, Port Orange, FL 32129	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-790

To:
Kenneth P Galvis
146 West Gate Drive
Port Orange, FL 32129

Re: 146 West Gate Drive
Port Orange, FL 32129
Parcel ID: 6308-02-00-1460

LEGAL DESCRIPTION: LOT 146 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3404 PG 0474

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 5, 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's Code of Ordinances Chapter 70 Traffic, Article II, Section 70-47 (b) (2)

On May 5, 2015, I spoke with the resident Lori who operates a mobile pet grooming van. This van is a Mercedes-Benz Sprinter and is over the one ton limit and is not permitted by City code to be parked at a residence.

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 22, 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 \$ 25 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.

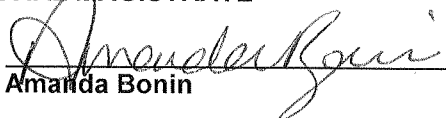
NOTICE OF HEARING SETTING FINE AND LIEN

On 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 15th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

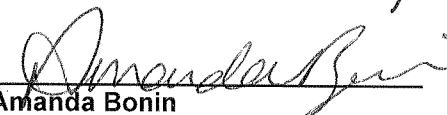
By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kenneth P Galvis 146 West Gate Drive, Port Orange, FL 32129, was

☒ Hand-delivered to Ashley Galvis (daughter)
☐ Posted at the property

Time: approx 230pm

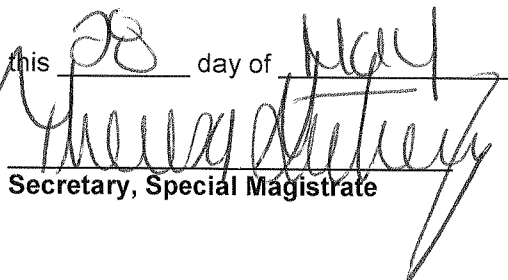
this 15th day of May, 2015.


Amanda Bonin

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kenneth P Galvis 146 West Gate Drive, Port Orange, FL 32129, was

☐ Posted at City Hall
☐ Sent via certified

this 28 day of May, 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.



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: 05-12-2015 Today's Date: 5-14-2015	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	08-16-33-02-00-1460 6308-02-00-1460	Mill Group	402 Port Orange
Alternate Key	3600312	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	02
Date Created	31 DEC 1981		
Owner Name	GALVIS KENNETH P		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	146 WESTGATE DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	321193652		
Owner Percentage	100	Ownership Type	
Location Address	146 WEST GATE DR PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 146 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3404 PG

0474

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3404	0474	12/1989	Warranty Deed	Qualified Sale	Yes	45,000
2	3071	0048	12/1987	Warranty Deed	Qualified Sale	Yes	42,000
3	2507	1507	11/1983	Quit Claim Deed	Multi parcel 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
------	------	---------	------	------	-----	---------	--------	--------	------	----------	----------	---------

This Warranty Deed Made the 20th day of December A. D. 1989 by
ROBERT L. ANDERSON and CAROL J. ANDERSON, His Wife

hereinafter called the grantor, to

KENNETH P. GALVIS

whose postoffice address is 146 WESTGATE Dr. Ft. George, FL
hereinafter called the grantee;

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

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

Lot 146, TWIN GATES MOBILE ESTATE SUBDIVISION, according to plat thereof recorded in Map Book 33, Page 48, Public Records of Volusia County, Florida.

SUBJECT TO taxes for the year 1990 and subsequent years.

SUBJECT TO restrictions, reservations and easements of record, if any, any mention of which herein shall not serve to reimpose the same.

REC FEE \$ 6.00 REC'D PAYMENT AS
DOC ST \$ 247.50 INDICATED FOR CLASS
INT TAX \$ C INTANGIBLE & DOC
PENALTY \$ STAMP TAXES SIGNED
INTEREST \$
Clerk Circuit Court Volusia Co. Florida

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, 1989

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:

[Signature]

[Signature]

[Signature]

Robert L. Anderson

[Signature]

Carol J. Anderson

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Robert L. Anderson and Carol J. Anderson, His Wife

to me known to be the person(s) described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____

, A. D. 1989

SPACE BELOW FOR RECORDERS USE

W. J. Smith
CLERK CIRCUIT COURT
VOLUSIA CO., FL

89 DEC 21 AM 11:27

FILED FOR REC
RECORD VERIFIED

Sec. 70-47. - Parking of commercial vehicles on residential premises.

- (a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use.
- (b) No commercial vehicle shall be parked on residential premises except for the following:
 - (1) A vehicle making deliveries to or servicing a dwelling unit.
 - (2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the premises on weekdays.
 - (3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m.
- (c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises.
 - (1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-790

KENNETH P GALVIS,

Respondent.

Property Address: 146 West Gate Drive
Port Orange, FL 32129
Parcel ID: 6308-02-00-1460

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF 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 146 West Gate Drive, Port Orange, Florida 32129, is owned by Kenneth P Galvis.
4. That 146 West Gate Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 146 West Gate Drive, Port Orange, Florida 32129, at 2:30 p.m. on the 15th day of May, 2015, to Ashley Galvis, the owners daughter, 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 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida



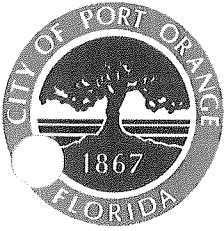
Commission No. 4/22/16

Case Cost Sheet Log

Case No. 15-594

Name	Activity	Activity_Date	Status	Cost
Candace Beach	Notice of Violation/Notice of Hearing	05/22/2015	Hand Delivered to Candace Beach on May 22, 2015 at 4:40 p.m.	\$0.00
Candace Beach	Mailing Finding of Fact/Conclusion of Law & Order to 47 Golden Gate Circle, Port Orange, FL 32129	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-594

To: Candace Beach
47 Golden Gate Cir.,
Port Orange, FL 32129

Re: 47 Golden Gate Cir.,
Port Orange, FL 32129
Parcel ID: 6308-02-00-0470

LEGAL DESCRIPTION: LOT 47 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4463 PG 2125 PER OR 5424 PG 3208 PER OR 5791 PG 4434 PER OR 6202 PG 2524
Volusia County Public Records, Volusia County, FL

An inspection of the premises on the 9th day of April, 2015, indicates that certain violation of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

Section 105.1 of the 2010 Florida Building Code.

On April 9, 2015, I inspected the property for work without a permit for a fence. While onsite I also noticed there was outside storage of various items in the driveway and carport area. I left a five day door hanger to apply for a fence permit and clean up all outside storage. To date, this property is not in compliance. A fence permit needs to be applied for and all outside storage needs to be removed or properly stored in an enclosed building.

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 **31st 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 Magistrate the 8th day of July, 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 \$ 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 8th day of July, 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 12th day of August, 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- 5616.

DATED this 22nd day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By: _____

AMANDA BONIN, 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 Candace Beach, 47 Golden Gate Cir., Port Orange, FL 32129, was

☒ Hand-delivered
☐ Posted at the property

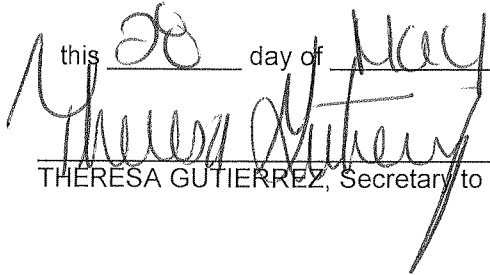
Time: approx 4:40pm

this 22nd day of May, 2015.

AMANDA BONIN, 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 Candace Beach, 47 Golden Gate Cir., Port Orange, FL 32129, was

☒ Posted at City Hall
☐ Sent via certified

this 20 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. 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)

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

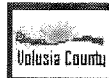
105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical 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:



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: 05-19-2015 Today's Date: 5-19-2015		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	08-16-33-02-00-0470	Mill Group	402 Port Orange		
Short Parcel ID	6308-02-00-0470				
Alternate Key	3599314	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	30 DEC 1981				
Owner Name	BEACH CANDACE		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	47 GOLDEN GATE CIR				
Owner Address 3	DAYTONA BEACH FL				
Owner Zip Code	32118				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	47 GOLDEN GATE CIR PORT ORANGE 32129				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 47 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4463 PG 2125	
PER OR 5424 PG 3208 PER OR 5791 PG 4434 PER OR 6202 PG 2524	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6940	4953	12/2013	Warranty Deed	Qualified Sale	Yes	34,000
2	6856	2336	4/2013	Warranty Deed	Unqualified Sale	Yes	38,400
3	6307	1302	12/2008	Warranty Deed	Qualified Sale	Yes	55,000

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	4,820	20,681	0	25,501	25,501	25,501	25,501	0	25,501	25,501	0	25,501
2013	4,820	18,990	0	23,810	23,810	23,810	23,810	0	23,810	23,810	0	23,810

LAND DATA

This instrument prepared by:
Name: Brandy Hyder
Flagler County Abstract Company
300 N 2nd Street
Flagler Beach, Florida 32136
FILE NO. S2488A
Property Appraisers Parcel Identification Number(s):
08-16-33-02-00-0470

12/18/2013 01:17 PM
Doc stamps 238.00
(Transfer Amt \$ 34000)
Instrument# 2013-241425 # 1
Book: 6940
Page: 4953
Diane M. Matousek
Volusia County, Clerk of Court

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 13 day of December, 2013 by

Joseph Kish

whose street address is **311 Boylston Drive, Daytona Beach, FL 32118**

hereinafter called the grantor*, to

Candace Beach

whose street address is **47 Golden Gate Circle, Daytona beach, Florida 32118**

hereinafter called the grantee*:

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

WITNESSETH, that the grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable considerations to said grantors in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed unto the grantee and grantee's heirs forever the following described land situate in **County of Volusia, State of Florida**, to wit:

Lot 47, Twin Gates Mobile Estates Subdivision, a subdivision according to the plat or map thereof described in Plat Book 33, Page 48, of the Public Records of Volusia County, Florida.

Together with Mobile Home ID L02L10341

GRANTOR WARRANTS THAT THIS IS NOT HOMESTEAD PROPERTY.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with the 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, and hereby 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 31st, 2012. **FURTHER SUBJECT TO Restrictions, Reservations, Covenants, Dedications, Resolutions, Conditions and Easements of record**, if any, however this reference shall not operate to reimpose same.

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

Signed, sealed and delivered in the presence of:


Witness 1 Signature

Brandy Hyder
Printed or Typed Name


Witness 2 Signature

Jessica D. Westbrook
Printed or Typed Name


Joseph Kish

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-594

CANDACE BEACH,

Respondent.

Property Address: 47 Golden Gate Circle

Port Orange, FL 32129

Parcel ID: 6308-02-00-0470

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

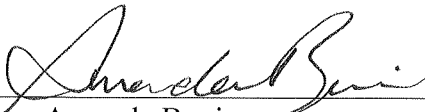
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 47 Golden Gate Circle, Port Orange, Florida 32129, is owned by Candace Beach.
4. That 47 Golden Gate Circle, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 47 Golden Gate Circle, Port Orange, Florida 32129, at 4:40 p.m. on the 22nd day of May, 2015, to Candace Beach, property owner, 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 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of may, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Case Cost Sheet Log

Case No. 15-467

Name	Activity	Activity_Date	Status	Cost
Theresa A. Evans	Mailing Notice of Violation/Notice to Hearing to 1300 Harms Way, Port Orange, FL 32129	05/28/2015	Certified Mail returned to City Clerk's Office marked "Vacant/Unable to Forward" on June 4, 2015.	\$6.69
Theresa A. Evans	Mailing Finding of Fact/Conclusion of Law & Order to 1300 Harms Way, Port Orange, FL 32129	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$40.90



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-467

To: Theresa A. Evans
1300 Harms Way,
Port Orange, FL 32129

Re: 1300 Harms Way,
Port Orange, FL 32129
Parcel ID: 6317-27-00-0440

LEGAL DESCRIPTION: LOT 44 HORIZON P.U.D. MB 46 PGS 197 & 198 INC PER OR 4592 PG 4435 PER OR 5551 PG 0147
Volusia County Public Records, Volusia County, FL

An inspection of the premises on the 20th day of March, 2015, indicates that certain violation of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

On March 20, 2015, I inspected the property in response to a high weeds and grass complaint. Upon inspection, I left a door hanger giving five days to mow the entire property. To date, this property is not in compliance 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 must be corrected by the **31st 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 Magistrate the 31st day of July, 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 \$ 6169 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 8th day of July, 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 12th day of August, 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- 5616.

DATED this 22nd day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By: Amanda Bonin
AMANDA BONIN, 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 Theresa A. Evans, 1300 Harms Way, Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx 3:40pm

this 22nd day of May, 2015.

Amanda Bonin
AMANDA BONIN, 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 Theresa A. Evans, 1300 Harms Way, Port Orange, FL 32129, was

- ☒ Posted at City Hall
☐ Sent via certified

this 28 day of May, 2015.
Theresa Gutierrez
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.

*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)

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. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into compliance with section 42-26, plus administrative costs related thereto.



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: 05-19-2015 Today's Date: 5-19-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID	17-16-33-27-00-0440	Mill Group	402 Port Orange		
Short Parcel ID	6317-27-00-0440				
Alternate Key	5813207	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	28 OCT 1998				
Owner Name	EVANS THERESA A		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1300 HARMS WAY				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32119				
Owner Percentage		Ownership Type			
Location Address	1300 HARMS WAY PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 44 HORIZON P.U.D. MB 46 PGS 197 & 198 INC PER OR 4592 PG

4435 PER OR 5551 PG 0147

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5551	0147	2/2005	Quit Claim Deed	Unqualified Sale	Yes	17,900
2	4592	4435	9/2000	Warranty Deed	Qualified Sale	Yes	127,825
3	4539	3335	3/2000	Warranty Deed	Qualified Sale	Yes	27,000

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	19,000	113,847	0	132,847	109,113	109,113	109,113	25,500	83,613	83,613	25,000	58,613
2013	19,000	92,695	0	111,695	107,500	107,500	107,500	25,500	82,000	82,000	25,000	57,000

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101	IMP PVD THRU .49 AC	54.0	100.0	1.00	LOT	19000.00	100	100	100	100	19,000

05/11/2005 04:00 PM
Doc stamps 124.88
(Transfer Amt \$ 17840)
Instrument# 2005 122186 # 1
Book: 5551
Page: 147

THIS INSTRUMENT PREPARED BY:

Dale G. Westling, Sr., PA
331 East Union Street
Jacksonville, FL 32202

RECORD AND RETURN TO:



When recorded mail to: 1016073
Home Connects
100 Lakeside Drive, Horsham, PA 19044

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED is made this 9th day of FEBRUARY, 2005 by THERESA A. EVANS, joined by her husband, JOHN M. EVANS, hereinafter called Grantor, and whose address is 1300 Harms Way, Port Orange, Florida 32129 to JOHN M. EVANS and THERESA A. EVANS, husband and wife, hereinafter called Grantee and whose address is 1300 Harms Way, Port Orange, Florida 32129.

(Wherever 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 and NO/100 Dollars and other valuable considerations in hand paid to the Grantor, receipt whereof is hereby acknowledged, does remise, release and quit-claim unto the Grantee, all that certain land situate, lying and being in Volusia County, Florida; viz:

All that parcel of land in City of Port Orange, Volusia County, State of Florida, as more fully described in Deed Book 4592, page 4435, ID# 5813207 being known and designated as Lot 44, Horizon P.U.D., filed in Plat Book 46, page 197-198.

This deed is being recorded to add John M. Evans, husband of Theresa A. Evans to title. No money is being exchanged.

This instrument prepared without benefit of title examination, title insurance or attorney's opinion of title.

SUBJECT TO taxes accruing subsequent to December 31, 2005

SUBJECT TO covenants, restrictions and easements of record, if any, however this reference thereto shall not operate to reimpose same.

SUBJECT TO taxes for the current year.

TO HAVE AND TO HOLD the same together with all and singular the

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:

Wendy Pearce
Witness Signature

WENDY J. PEARCE
Witness Printed Signature

Vincent Lacono

Witness Signature

VINCENT LAcono

Witness Printed Signature

Theresa A. Evans
Theresa A. Evans

John M. Evans
John M. Evans

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 9th day of FEBRUARY 2005 by Theresa A. Evans, joined by her husband, John M. Evans. The are personally known to me or have produced FL DRIVERS LICENSE as identification.

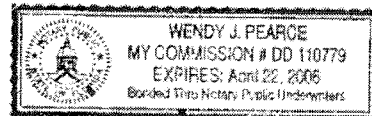
Notary, Public, State and County Aforesaid

Wendy Pearce
Notary Signature

WENDY J. PEARCE
Notary Printed Signature

NOTARY PUBLIC
(Title or Rank)

(Serial No., if any)



CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-467

THERESA A. EVANS,

Respondent.

Property Address: 1300 Harms Way
Port Orange, FL 32129

Parcel ID: 6317-27-00-0440

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

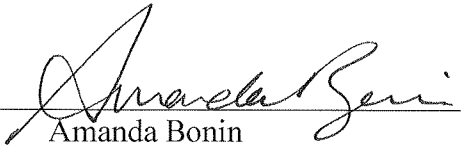
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 1300 Harms Way, Port Orange, Florida 32129, is owned by Theresa A Evans.
4. That 1300 Harms Way, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 1300 Harms Way, Port Orange, Florida 32129, at 3:40 p.m. on the 22nd 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 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Cynthia Dodson
Notary Public, State of Florida

Commission No. 4/22/16

Postnet

05/28/2015

USPS

\$06.69

7014 2870 0000 2137 6266

ZIP 32129

011D11846012

7014 2870 0000 2137 6266

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Postage \$.69
Certified Fee 3.30
Return Receipt Fee (Endorsement Required) 2.70
Restricted Delivery Fee (Endorsement Required) —
Total Postage & Fees \$ 10.69

Postmark
Here

Sent
Street
or PO
City, State

Theresa A. Evans
1300 Harms Way
Port Orange, FL 32129
Case #15-467 SM 7/8/15

PS Form

Instructions

CERTIFIED MAIL®



7014 2870 0000 2137 6266
7014 2870 0000 2137 6266

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Postage \$.69
Certified Fee 3.30
Return Receipt Fee (Endorsement Required) 2.70
Restricted Delivery Fee (Endorsement Required) —
Total Postage & Fees \$ 10.69

Postmark
Here

Sent
Street
or PO
City, State

Theresa A. Evans
1300 Harms Way
Port Orange, FL 32129
Case #15-467 SM 7/8/15

PS Form

Instructions

AFTER FIVE DAYS RETURN TO

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

Case Cost Sheet Log

Case No. 15-741

Name	Activity	Activity_Date	Status	Cost
Sandra E. Quinlan Estate/Donald J. Trzuskowski	Mailing Notice of Violation/Notice of Hearing to 2211 Marlboro Street, The Villages, FL 32162	05/28/2015	Certified Mail returned to City Clerk's Office marked "Refused/Unable to Forward" on June 1, 2015.	\$6.48
Sandra E. Quinlan Estate/Donald J. Trzuskowski	Mailing Finding of Fact/Conclusion of Law & Order to 2211 Marlboro Street, The Villages, FL 32162	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$40.69



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-741

To:
Sandra E Quinlan Estate
Donald J Trzuskowski
2211 Marlboro St.
The Villages, FL 32162

Re: 145 West Gate Drive
Port Orange, FL 32129
Parcel ID: 6308-02-00-1450
LEGAL DESCRIPTION: LOT 145 TWINGATES MOBILE ESTATES MB 33 PG 48 PER OR 4329 PG 4851

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 28, 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's Code of Ordinances Chapter 70 Traffic, Article II, Section 70-47 (b) (2)

On April 28, 2015, a complaint was received and I inspected the property for a commercial vehicle over one ton parking in the driveway at this location. On May 5, 2015, I spoke with the resident Lori who operates the mobile pet grooming van and lives at 146 West Gate Cir. She stated that the property owners have given her permission to park her work van in their driveway. This van is a Mercedes-Benz Sprinter and is over the one ton limit and is not permitted by City code to be parked at a residence. This was explained to her on May 5, 2015.

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 22, 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 July 8, 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 \$ 6.48 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 8, 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 **August 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 15th day of May, 2015.

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 Sandra E Quinlan Estate & Donald J Trzuskowski 145 West Gate Drive Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: approx 7:30 pm

this 15th 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 Sandra E Quinlan Estate & Donald J Trzuskowski 2211 Marlboro St., The Villages, FL 32162, was

☐ Posted at City Hall

☒ Sent via certified

this 28 day of May, 2015.

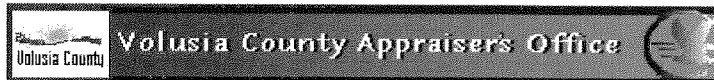
Secretary, Special Magistrate
Secretary, Special Magistrate

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: 05-12-2015 Today's Date: 5-14-2015		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		08-16-33-02-00-1450 6308-02-00-1450	Mill Group		402 Port Orange
Alternate Key		3600304	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	PC Code		02
Date Created		31 DEC 1981			
Owner Name		QUINLAN SANDRA E ESTATE			GO TO ADD'L OWNERS
Owner Name/Address 1		DONALD J TRZUSKOWSKI			
Owner Address 2		2211 MARLBORO ST			
Owner Address 3		THE VILLAGES FL			
Owner Zip Code		32162			
Owner Percentage		100	Ownership Type		
Location Address		145 WEST GATE DR PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 145 TWINGATES MOBILE ESTATES MB 33 PG 48 PER OR 4329

PG 4851

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4329	4851	7/1998	Quit Claim Deed	Affiliated Parties	Yes	1
2	3850	0984	8/1993	Warranty Deed	Qualified Sale	Yes	45,000
3	2507	1507	11/1983	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	4,820	23,796	0	28,616	28,616	28,616	28,616	0	28,616	28,616	0	28,616
2013	4,820	21,736	0	26,556	26,556	26,556	26,556	0	26,556	26,556	0	26,556

07/24/1998 14:36
Doc stamps 0.70
(Transfer Amt \$ 1)
Instrument # 98137304
Book: 4329
Page: 4851
Diane M. Matousek
Volusia County, Clerk of Court

Prepared By and Return to:
James K. Freeland, Esquire
161 N. Causeway, Ste. 6
New Smyrna Beach, FL 32169

Parcel ID#: 6308-02-00-1430
Grantee's SS#: [REDACTED]

[Space Above this Line for Recording Data]

This Quit Claim Deed, Executed the 1st day of July, 1998, by DONALD M. QUINLAN, a married man, first party, to SANDRA E. QUINLAN, a married woman, whose post office address is 719 Helmsman Lane, Edgewater, Florida 32141, second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or required.)

Witnesseth, That the first party, for and in consideration of the sum of \$10.00 and OVC, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to-wit:

Lot One Hundred Forty Five (145), Twin Gates Mobile Estates, according to map or plat thereof as recorded in Map Book 33, page 48, of the Public Records of Volusia County, Florida

This deed is prepared pursuant to an Property Settlement Agreement entered into on the 1st day of July, 1998 between the parties in a pending action for dissolution of marriage, Volusia County Case No. 98-32342-FMCI-30.

THE ATTORNEY HAS NOT SEARCHED OR EXAMINED THE TITLE OF THE SUBJECT PROPERTY AND ABSOLUTELY NO WARRANTIES, EXPRESS OR IMPLIED, ARE MADE BY HIM WITH REGARD TO THE STATE OF THE TITLE OR ANY OTHER ASPECT THEREOF.

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

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

Signed, sealed and delivered in the presence of:

Christianne H. Remington
Witness Signature (as to first Grantor)

CHRISTIANNE M. REMINGTON
Printed Name

Paula K. Hathaway
Witness Signature (as to first Grantor)

PAULA K. HATHAWAY
Printed Name

Witness Signature (as to Co-Grantor, if any)

Printed Name

Witness Signature (as to Co-Grantor, if any)

Printed Name

Donald M. Quinlan
Grantor Signature

DONALD M. QUINLAN
Printed Name

Post Office Address

Co-Grantor Signature (if any)

Printed Name

Post Office Address

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

DONALD M. QUINLAN known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. Said person is known personally

Sec. 70-47. - Parking of commercial vehicles on residential premises.

- (a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use.
- (b) No commercial vehicle shall be parked on residential premises except for the following:
 - (1) A vehicle making deliveries to or servicing a dwelling unit.
 - (2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the premises on weekdays.
 - (3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m.
- (c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises.
 - (1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-741

SANDRA E QUINLAN ESTATE
DONALD J TRZUSKOWSKI,
Respondent.

Property Address: 145 West Gate Drive
Port Orange, FL 32129
Parcel ID: 6308-02-00-1450

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

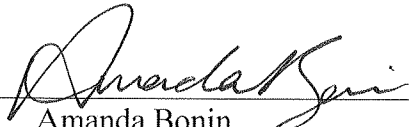
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 145 West Gate Drive, Port Orange, Florida 32129, is owned by Sandra E Quinlan Estate & Donald J Trzuskowski.
4. That 145 West Gate Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 145 West Gate Drive, Port Orange, Florida 32129, at 2:30 p.m. on the 15th 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 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Hasler
05/28/2015
\$06.480
ZIP 32129
011011644012

7014 2670 0000 2137 6242

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

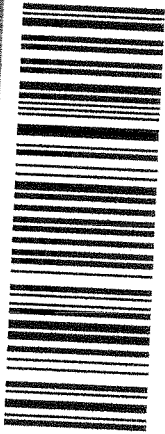
CERTIFIED MAIL

Postage	\$.418
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 1.418

Sent To: Sandra E. Quinlan Est.
Donald J. Trzuskowski
2211 Marlboro St.
The Villages, FL 32162
Case #15-741 SM 7/8/15

Postmark Here: ORANGE FL JUL 28 2015

CERTIFIED MAIL



7014 2670 0000 2137 6242
7014 2670 0000 2137 6242

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com

CERTIFIED MAIL

Postage	\$.418
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Sent To: Sandra E. Quinlan Est.
Donald J. Trzuskowski
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The Villages, FL 32162
Case #15-741 SM 7/8/15

Postmark Here

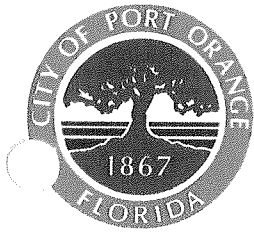
AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

Case Cost Sheet Log

Case No. 15-691

Name	Activity	Activity_Date	Status	Cost
Robert J. Kiecksee	Notice of Violation/Notice of Hearing	05/28/2015	Posted at the property and City Hall on May 22, 2015.	\$0.00
Robert J. Kiecksee	Mailing Finding of Fact/Conclusion of Law & Order to 1108 Little Garden Circle, Port Orange, FL 32129	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-691

To: Robert J. Kiecksee
1108 Little Garden Cir.,
Port Orange, FL 32129

Re: 1108 Little Garden Cir.,
Port Orange, FL 32129
Parcel ID: 6305-09-00-0360

LEGAL DESCRIPTION: LOT 36 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 4239 PG 2706
Volusia County Public Records, Volusia County, FL

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

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

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

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

I inspected this property after receiving a complaint for outside storage of vehicles, trash, and debris. Upon inspection I noticed a van without a current tag, outside storage, trash and debris on site, a vending machine in an open trailer with a few other items, and one of the vehicles was partially parked in the grass. I knocked on the door and no one answered until I walked away. The resident stated that he would be out in one minute but after waiting five minutes, I left a door hanger on site giving five days to remove the outside storage, properly park the vehicle, and clean up the trash and debris. To date this property is not in compliance. All outside storage needs to be removed or placed in an enclosed building, all trash and debris needs to be removed from the property, the van needs to be covered with an approved car cover or the tag needs to be current and the vehicle operable, and all vehicles need to be parked in the driveway or in an approved driveway extension.

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 **3rd day of June, 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 comparable 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 Magistrate the 8th day of July, 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 \$ 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 8th day of July, 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 12th day of August, 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- 5616.

DATED this 22nd day of May, 2015.

CITY OF PORT ORANGE, FLORIDA

By: Amanda Bonin
AMANDA BONIN, 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 Robert J. Kiecksee, 1108 Little Garden Cir., Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

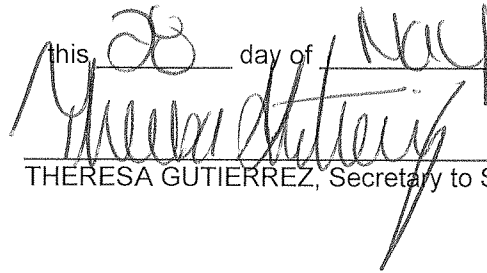
Time: approx 2:05pm

this 22nd day of May, 2015.

Amanda Bonin
AMANDA BONIN, 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 Robert J. Kiecksee, 1108 Little Garden Cir., Port Orange, FL 32129, was

- ☒ Posted at City Hall
☐ Sent via certified

this 28 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. 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)

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).



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: 05-19-2015 Today's Date: 5-19-2015		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		05-16-33-09-00-0360 6305-09-00-0360		Mill Group 402 Port Orange	
Alternate Key		5088588		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		06 APR 1989			
Owner Name		KIECKSEE ROBERT J		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		1108 LITTLE GARDEN CIR			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		321191013			
Owner Percentage		100		Ownership Type	
Location Address		1108 LITTLE GARDEN CIR PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 36 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR
4239 PG 2706

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4254	2180	11/1997	Quit Claim Deed	Unqualified Sale	Yes	10
2	4239	2706	8/1997	Quit Claim Deed	Affiliated Parties	Yes	10
3	3735	0626	3/1992	Warranty Deed	Qualified Sale	Yes	67,300

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	13,770	67,567	0	81,337	76,344	76,344	76,344	25,000	51,344	51,344	25,000	26,344
2013	13,770	61,446	0	75,216	75,216	75,216	75,216	25,000	50,216	50,216	25,000	25,216

LAND DATA

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

Name: H. Charles Woerner, Jr., P.A.
Address: Woerner & Parsons
2001 S. Ridgewood Avenue
S. Daytona, FL 32119
This Instrument Prepared by: H. Charles Woerner, Jr.
P.A.
Address: 2001 S. Ridgewood Avenue
S. Daytona, FL 32119
Property Appraiser's Personal Identification (Folio Number(s)):
6305-09-00-0360
Grantee(s) S.S. #s: [REDACTED]

10/01/1997 13:24
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 97163770
Book: 4239
Page: 2706

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit Claim Deed, Executed the 12th day of August, 1997, by
ROBERT J. KIECKSEE and CINDY J. KIECKSEE, husband and wife,
first party, to ROBERT J. KIECKSEE
whose post office address is 1108 Little Garden Circle, Port Orange, Florida
second party.

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the first party, for and in consideration of the sum of \$6,000.00, in
hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-
claim unto the second party forever, all the right, title, interest, claim and demand which the said first party has in and to
the following described lot, piece or parcel of land, situate, lying and being in the County of Volusia
State of Florida, to-wit:

Lot 36, TRACT II, BENNETTS HAMMOCK REPLAT, according to the plat
thereof, recorded in Map Book 42, Page 138, of the Public Records
of Volusia County, Florida.

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

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

Signed, sealed and delivered in the presence of:

Nancy J. Moretz
Witness Signature (as to first Grantor)
Nancy J. Moretz
Printed Name

Michele Portanova
Witness Signature (as to first Grantor)
Michele Portanova
Printed Name

Doris DeCarlo
Witness Signature (as to Co-Grantor, if any)
Doris DeCarlo
Printed Name

Virginia L. Simpson
Witness Signature (as to Co-Grantor, if any)
Virginia L. Simpson
Printed Name

Robert J. Kiecksee
Grantor Signature
ROBERT J. KIECKSEE
Printed Name

1108 Little Garden Circle
Post Office Address
Port Orange, FL 32119

Cindy J. Kiecksee
Co-Grantor Signature (if any)
CINDY J. KIECKSEE
Printed Name

12006 Pepperdine Pl.
Post Office Address
Orlando, FL 32826

STATE OF FLORIDA
COUNTY OF VOLUSIA
ROBERT J. KIECKSEE

I hereby Certify that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared

known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that he executed the same, and an oath was not taken. (Check one: ☐ Said person(s) is/are personally known to me. ☒ Said person(s) provided the following type of identification: **Florida Driver's License**

NOTARY RUBBER STAMP SEAL

Witness my hand and official seal in the County and State last aforesaid this
24th day of **September**, A.D. 19**97**

Michele Portanova
My Commission CG603040
Expires August 20, 2001

Michele Portanova
Notary Signature
Michele Portanova
Printed Notary Signature

Michele Portanova
My Commission CG603040
Expires August 20, 2001

Book: 4239
Page: 2707
Diane M. Matousek
Volusia County, Clerk of Court

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared CINDY J. KIECKSEE, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, and an oath was not taken. (Check one:) _____ Said person is personally known to me. ☒ Said person provided the following type of identification: DRIVERS LICENSE

Witness my hand and official seal in the County and State last aforesaid this 12th day of August, 1997.

Doris DeCarlo
Notary Public
State of Florida at Large
My Commission Expires:



Doris DeCarlo
My Commission CC622076
Expires February 17, 2001

Summary

Summary Instrument - 1997196623

Image not displayed pursuant to 28.2221(5) Florida Statutes.



Document Information

Date:	11/21/1997	Book:	4254
Document Type:	FINAL JUDGMENT DISSOLUTION	Page:	2180
Status:	VERIFIED		

Additional Comments

Instrument:	1997196623	Pages:	15
Time:	01:48 PM	Return to Label:	FAMILY LAW SENT DATE: 12/02/1997

Parcel/Case #: 97-33671-FMCI**Legal Description:** LT 36 TRACT II BENNETTS HAMMOCK
REPLAT

Transfer:	\$ 0.00	Finance:	\$ 0.00
Doc Stamps:	\$ 0.00	Intangible Tax:	\$ 0.00
Recording Fee:	\$ 0.00		

Name Information

Direct Names:	Reverse Names:
KIECKSEE CINDY J	KIECKSEE ROBERT J

Case Cost Sheet Log

Case No. 14-2221

Name	Activity	Activity_Date	Status	Cost
Melvy D. Dowling	Mailing Notice of Repeat Violation/Notice of Hearing to 403 Herbert Street, Port Orange, FL 32129	06/02/2015	Certofied Mail departed at USPS facility in MID FLORIDA, FL 32799 on June 28, 2015 at 1:27 am. The item is currently in transit to the destination.	\$6.95
David A. Dowling	Mailing Notice of Repeat Violation/Notice of Hearing to 403 Herbert Street, Port Orange, FL 32129	06/02/2015	Certified Mail departed our USPS facility in MID FLORIDA, FL 32799 on June 28, 2015 at 1:27 am. The item is currently in transit to the destination.	\$6.95
Heather A. Moore	Mailing Notice of Repeat Violation/Notice of Hearing to 425 N. Willow Avenue, Port Orange, FL 32127	06/02/2015	Certified Green Card signed by "Brandon" on 6/4/15 and returned to City Clerk's Office.	\$6.95
Melvy D. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/08/2015		\$7.21
David A. Dowling	Mailing Finding of Fact/Conclusion of Law & Order to 403 Herbert Street, Port Orange, FL 32129	07/08/2015		\$7.21
Heather A. Moore	Mailing Finding of Fact/Conclusion of Law & Order to 425 N. Willow Avenue, Port Orange, FL 32127	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$69.48



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2221

To: MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Re: 403 Herbert Street
Port Orange, FL 32127
Parcel ID: 6303-07-00-0070

LEGAL DESCRIPTION: LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F SUB LOTS 1 & 2 BLK 6
OLSON'S PORT ORANGE PER OR 4363 PG 928 PER UNREC D/C.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 30, 2014**, 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), (c) Maintenance of Commercial and Industrial Zoned Lots: (The entire property needs to be mowed and maintained. All high weeds need to be trimmed).

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, Waste, Trash, Etc; Prohibited: (All garbage, trash, junk and debris must be removed from the property).

This is a repeat violation of case number 13-1665 as presented by Code Enforcement Officer J. Scott Allman on August 28, 2013, and case number 14-1711 as presented by Code Enforcement Officer Amanda Bonin on September 10, 2014.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** July 8, 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 \$ 20.85 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on July 8, 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 August 12, 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 26th 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 Melvy D. Dowling (Deceased), David A. Dowling and Heather A. Moore, 403 Herbert St, Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: 3:40 pm

this 26th 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 Melvy D. Dowling (Deceased), 403 Herbert St, Port Orange, FL 32129, David A. Dowling, 403 Herbert St, Port Orange, FL 32129 and Heather A. Moore, 425 N. Willow Ave, Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this 2 day of JUNE, 2015.
Heather Moore
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



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: 05-26-2015 Today's Date: 5-26-2015		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		03-16-33-07-00-0070 6303-07-00-0070		Mill Group 402 Port Orange	
Alternate Key		3576861		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		30 DEC 1981			
Owner Name		DOWLING MELVY D		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		403 HERBERT ST			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32129			
Owner Percentage		100		Ownership Type Estate	
Location Address		403 HERBERT ST PORT ORANGE 32129			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT G EXC N 60 FT & W 45 FT OF LOT H EXC N 60 FT & INC LOT F	
SUB LOTS 1 & 2 BLK 6 WILSONS PORT ORANGE PER OR 4363 PG 09	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4363	0928	10/1998	Quit Claim Deed	Affiliated Parties	Yes	22,000
2	4326	3482	7/1998	Warranty Deed	Unqualified Sale	Yes	8,000
3	2411	0678	12/1982	Warranty Deed	Qualified Sale	Yes	32,000

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	35,235	20,076	3,409	58,720	58,720	58,720	58,720	0	58,720	58,720	0	58,720
2013	31,168	20,938	3,527	55,633	55,633	55,633	55,633	0	55,633	55,633	0	55,633

LAND DATA

THIS INSTRUMENT PREPARED BY
AND RETURN TO: J. MOODY
TRANSCONTINENTAL TITLE COMPANY
8081 PHILLIPS HIGHWAY, SUITE 3
JACKSONVILLE, FLORIDA 32256
J126670

11/02/1998 10:20
Doc stamps 154.00
(Transfer Amt \$ 22000)
Instrument # 98207498
Book: 4363
Page: 928
Diane M. Matousek
Volusia County, Clerk of Court

QUIT CLAIM DEED

This QUIT CLAIM DEED, dated October 19, 1998

by MATTIE B. DOWLING F/K/A MATTIE B. RACHOW, A MARRIED PERSON JOINED BY
HER HUSBAND, MELVY D. DOWLING

hereinafter called GRANTOR,

to MELVY D. DOWLING AND MATTIE B. DOWLING, HIS WIFE

whose address is: 403 HERBERT ST FORT ORANGE FL 32119

hereinafter called GRANTEE:

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

WITNESSED: That GRANTOR, for and in consideration of the sum of Ten Dollars (\$10.00), the receipt of which is hereby acknowledged, does hereby remiss, release and quit-claim unto GRANTEE forever, all the right, title, interest, claim and demand which GRANTOR has in and to the following described lot, piece or parcel of land, situate, lying and being in VOLUSIA County, Florida, viz:

LOT G, EXCEPT THE NORTHERLY 60 FEET THEREOF, AND LOT H, EXCEPT THE NORTHERLY 60 FEET THEREOF AND THE EASTERLY 10 FEET OF LOT H THEREOF, MARTINS SUBDIVISION AS PER MAP IN MAP BOOK 2, PAGE 177, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

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

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

SIGNED IN THE PRESENCE OF
THE FOLLOWING WITNESSES:

J.D. McNulty
Witness (Signature)

J.D. McNulty
Witness (Print Name)

N.C. Ammon
Witness (Signature)

N.C. Ammon
Witness (Print Name)

Mattie B. Dowling F/K/A Mattie B. Rachow
MATTIE B. DOWLING F/K/A MATTIE B.
RACHOW

Melvy D. Dowling
MELVY D. DOWLING

STATE OF FL

COUNTY OF Volusia

THE FOREGOING INSTRUMENT was acknowledged before me on October 19, 1998 by MATTIE B. DOWLING F/K/A MATTIE B. RACHOW, A MARRIED PERSON JOINED BY HER HUSBAND, MELVY D. DOWLING who did produce drivers license(s) as identification and did not take an oath.

J.D. McNulty
NOTARY PUBLIC FOR THE STATE OF FLORIDA

(SEAL)

J.D. McNULTY
Notary Public, State of Florida
My Comm. Exp. May 22, 2001 - No. CC650019
Bonded thru Troy Fain Insurance Co

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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2221

MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEE, OR
OTHER CLAIMANTS;

Respondents.

Property Address: 403 Herbert Street
Port Orange, FL 32129
Parcel ID: 6303-07-00-0070

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 403 Herbert Street, Port Orange, Florida 32129, is owned by Melvy D. Dowling.

4. That 403 Herbert Street, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 403 Herbert Street, Port Orange, Florida 32129, at 3:40 p.m. on the 26th 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.

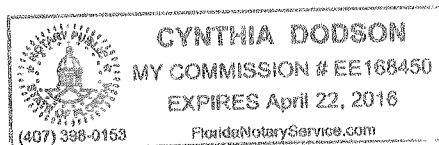
FURTHER AFFIANT SAYETH NOT.

DATED this 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Postage \$06.95
ZIP 32129
01D164012

7014 2870 0000 2137 6303

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Postage \$.70
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 1.00
Total Postage & Fees \$6.95

Heather A. Moore
425 N. Willow Avenue
Port Orange, FL 32127
Case #14-2221 SM 7/8/15

Postmark Here JUN 2015
USPS - 32127

CERTIFIED MAIL®
AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER
POI

0000 2137 6303
0000 2137 6303

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Postage \$.70
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 1.00
Total Postage & Fees \$6.95

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Heather A. Moore
425 N. Willow Avenue
Port Orange, FL 32127
Case #14-2221 SM 7/8/15

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
x Brandon
B. Received by (Printed Name)
Brandon
C. Date of Delivery
6-4-15
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail® ☐ Priority Mail Express™
- ☒ Registered ☒ Return Receipt for Merchandise
- ☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee)

☐ Yes

7014 2870 0000 2137 6303

06/02/2015
 06.95
 ZIP 32129
 011011644012

7014 2870 0000 2137 6297

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

CITY OF PORT ORANGE

Postage	\$.76	POST ORANGE FL JUN - 2 2015 PS - 32129
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.95	Postmark Here

Sent To: Melvy D. Dowling
 Street or PO: 403 Herbert Street
 City, St: Port Orange, FL 32129

Case #14-2221 SM 7/8/15

PS For

uctions

CERTIFIED MAIL



7014 2870 0000 2137 6297
 7014 2870 0000 2137 6297

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

CITY OF PORT ORANGE

Postage	\$.76	POST ORANGE FL JUN - 2 2015 PS - 32129
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.95	Postmark Here

Sent To: Melvy D. Dowling
 Street or PO: 403 Herbert Street
 City, St: Port Orange, FL 32129

PS For

uctions

AFTER FIVE DAYS RETURN TO
 CITY OF PORT ORANGE
 1000 CITY CENTER CIRCLE
 PORT ORANGE, FL 32129

Hasler

06/02/2015

\$06.95

USPS

011D1164012

ZIP 32129

011D1164012

7014 2870 0000 2137 6280

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Postage \$.76
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 0.95
Total Postage & Fees \$ 6.95

Postmark
Here

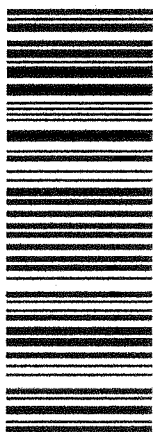
Sent To David A. Dowling
403 Herbert Street
Port Orange, FL 32129

City, State Case #14-2221 SM 7/8/15

PS Form

ctions

CERTIFIED MAIL[®]



7014 2870 0000 2137 6280
7014 2870 0000 2137 6280

U.S. Postal ServiceTM
CERTIFIED MAIL[®] RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com.

Postage \$.76
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 0.95
Total Postage & Fees \$ 6.95

Postmark
Here

Sent To David A. Dowling
403 Herbert Street
Port Orange, FL 32129

City, State

PS Form

ctions

AFTER FIVE DAYS RETURN TO

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-792

To:
Gloria J Murch
1217 Jeffery Drive
Port Orange, FL 32129

To:
One West Bank N.A.
2900 Esperanza Crossing
Austin, TX 78758

Re: 1217 Jeffery Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-0770

LEGAL DESCRIPTION: LOT 77 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 3840 PG 0595 PER FL DC (C-NOTES) PER OR 7109 PG 1713

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 5, 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) & (f)

The yard is extremely overgrown and needs to be mowed and maintained on a regular basis as well as removing any trash or debris. I contacted compliance connections to reach out to a property preservation company to have the violations abated and have not heard back as to who will be maintaining the property. The mortgage was assigned over to One West Bank N.A. February 18, 2015, after the property owners passing.

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 **June 8, 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 July 8, 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 \$ 13.90 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

the event the **Special Magistrate**, during the hearing on **July 8, 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 **August 12, 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 26th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: *Amanda Bonin*
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Gloria J Murch 1217 Jeffery Drive, Port Orange, FL 32129, and to One West Bank N.A. 2900 Esperanza Crossing Austin, TX 78758, was

- ☒ Hand-delivered
☐ Posted at the property

Time: approx. 3:00 pm

this 26th day of May, 2015.

Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Gloria J Murch 1217 Jeffery Drive, Port Orange, FL 32129, and to One West Bank N.A. 2900 Esperanza Crossing Austin, TX 78758, was

- ☐ Posted at City Hall
☒ Sent via certified

this 2 day of JUNE, 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.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County 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: 05-26-2015 Today's Date: 5-26-2015		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		07-16-33-03-00-0770 6307-03-00-0770		Mill Group 402 Port Orange	
Alternate Key		3594568		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		30 DEC 1981			
Owner Name		MURCH GLORIA J		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		1217 JEFFERY DR			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		321197431			
Owner Percentage		100		Ownership Type Estate	
Location Address		1217 JEFFERY DR PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 77 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 3840 PG

0595 PER FL DC (C-NOTES) PER OR 7109 PG 1713

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3840	0595	7/1993	Warranty Deed	Qualified Sale	Yes	69,000
2	3623	0436	4/1991	Warranty Deed	Qualified Sale	Yes	64,500
3	3025	0033	8/1987	Warranty Deed	Distress sale	Yes	56,000

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	16,553	73,837	745	91,135	80,005	80,005	80,005	25,500	54,505	54,505	25,000	29,505
2013	16,553	66,802	770	84,125	78,823	78,823	78,823	25,500	53,323	53,323	25,000	28,323

LAND DATA

6.00
483.00

This Warranty Deed

BOOK

3840

0595

VOLUSIA CO., FL

Made this 5th day of July

A.D. 19 93

by
Raymond A. Boneski and Catherine Boneski, His
Wife

hereinafter called the grantor, to
Frank Murch and Gloria J Murch, his wife

whose post office address is: 1217 Jeffery Drive
Port Orange, Florida 32119

hereinafter called the 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)

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, alien, remises,
releases, conveys and confirms unto the grantee, all that certain land situate in
Volusia County, Florida, viz:

Lot 77, Willow Run Unit 2, as recorded in Map 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 Identification Number: [REDACTED]
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple;
that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants
the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is
free of all encumbrances except taxes accruing subsequent to December 31, 19 92

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:

Cecily Ondik
Name: Cecily Ondik

Raymond A. Boneski LS
Name & Address: Raymond A. Boneski

John Ondik
Name: John Ondik

Catherine Boneski LS
Name & Address: Catherine Boneski

REC FEE \$ 6.00 REC'D PAYMENT AS
DOC ST \$ 483.00 INDICATED FOR CLASS
Name: INT TAX \$ 0.00 C INTANGIBLE & DOC TAXES
PENALTY \$ 0.00 STAMP TAXES OWING
INTEREST \$ 0.00
Name: [Signature] LS
Clerk Circuit Court Volusia Co. Florida

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 5th day of July, 19 93
by
Raymond A. Boneski and Catherine Boneski, His Wife

who is personally known to me or who has produced drivers license as identification
and who did not take an oath.

PREPARED BY: J. Ondik
RECORD & RETURN TO:
Columbia Title Services Inc.
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
File No: 93-1520

Cecily Ondik
Print Name: Cecily Ondik
Notary Public 10/31/94

FILE & RECORD
RECORD VERIFIED
092069
93 JUL -7 AM 8:25
CLERK OF THE CIRCUIT
CITY COURT VOLUSIA CO. FLA.
WD-1
11/91

Summary

Summary Instrument - 2015073746

Image not displayed pursuant to 28.2221(5) Florida Statutes.



Document Information

Date:	04/27/2015	Book:	7109
Document Type:	DEATH CERTIFICATE	Page:	1713
Status:	VERIFIED		

Additional Comments

Instrument:	2015073746	Pages:	1
Time:	10:39 AM	Return to Label:	ALBERTELLI LAW/STE 300 5404 CYPRESS CENTER DRIVE STE 300 TAMPA, FL 33609 SENT DATE: 04/28/2015

Parcel/Case #:

Legal Description:

Transfer:	\$ 0.00	Finance:	\$ 0.00
Doc Stamps:	\$ 0.00	Intangible Tax:	\$ 0.00
Recording Fee:	\$ 10.00		

Name Information

Direct Names:

MURCH GLORIA JEAN

Reverse Names:

Prepared by, Recording Requested By and Return to:

John Heywood
Financial Freedom
2900 Esperanza Crossing
Austin, TX 78758
Assignments DM-04-01
Loan: [REDACTED]

B10 273137

ASSIGNMENT OF MORTGAGE

Min: [REDACTED] MERS Phone: 1-888-679-6377

FHA Case Number: 0945188817

FOR VALUE RECEIVED, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., whose address is P.O. Box 2026, Flint, MI [REDACTED] AS NOMINEE FOR FINANCIAL FREEDOM ACQUISITION LLC, ITS SUCCESSORS AND ASSIGNS, does hereby assign and transfer to ONEWEST BANK N.A., ITS SUCCESSORS AND ASSIGNS, forever and without recourse, whose address is 2900 Esperanza Crossing, Austin, TX 78758, all its right, title and interest in and to a certain Mortgage from GLORIA J. MURCH A SINGLE PERSON SURVIVING SPOUSE OF FRANK MURCH to FINANCIAL FREEDOM SENIOR FUNDING CORPORATION, A SUBSIDIARY OF INDYMAC BANK, F.S.B. for \$285,000.00, dated 8/2/2006 of record on 8/10/2006 in Book 5891 Page 3904 as Document [REDACTED] #1, in the VOLUSIA County Clerk's Office, State of FLORIDA.

Property Address: 1217 JEFFERY DR, PORT ORANGE, FLORIDA 32129
Legal description: SEE EXHIBIT "A"

Executed this FEB 18 2015.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR FINANCIAL FREEDOM ACQUISITION LLC, ITS SUCCESSORS AND ASSIGNS



By: MELINDA LEA DAVIS
Title: ASSISTANT SECRETARY

Witness: 
Printed Name: Earslean Cleveland

Witness: 
Printed Name: Donna Grant

STATE OF TEXAS

COUNTY OF TRAVIS

This instrument was acknowledged before me on FEB 18 2015 by MELINDA LEA DAVIS the ASSISTANT SECRETARY of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., A DELAWARE CORPORATION, AS NOMINEE FOR FINANCIAL FREEDOM ACQUISITION LLC, ITS SUCCESSORS AND ASSIGNS on behalf of said corporation.

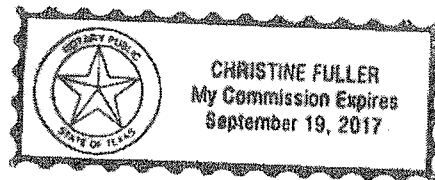
Christine Fuller

Notary Public in and for the State of Texas

Notary's Printed Name: CHRISTINE FULLER

My Commission Expires: 9/19/2017

Mortgage for \$285,000.00 dated 8/2/2006



Instrument # 2015033642 #3
Book: 7087
Page: 1724
Diane M. Matousek
Volusia County, Clerk of Court

EXHIBIT "A"

**Lot 77, WILLOW RUN -UNIT 2, according to the plat thereof, recorded in Map Book 36,
Page(s) 16 of the Public Records of Volusia County, Florida.**

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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-792

GLORIA J MURCH,

Respondent.

Property Address: 1217 Jeffery Drive
Port Orange, FL 32127

Parcel ID: 6307-03-00-0770

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

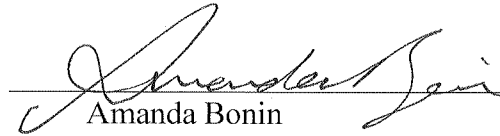
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 1217 Jeffery Drive, Port Orange, Florida 32129, is owned by Gloria J Murch.
4. That 1217 Jeffery Drive, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 1217 Jeffery Drive, Port Orange, Florida 32129, at 3:00 p.m. on the 26th 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.

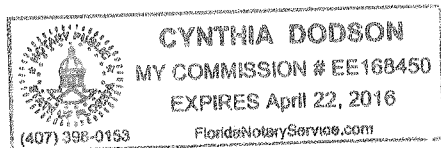
FURTHER AFFIANT SAYETH NOT.

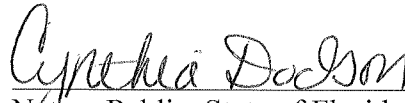
DATED this 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Flasier

06/02/2015

POSTAGE

\$06.95

ZIP 32129

011011644012



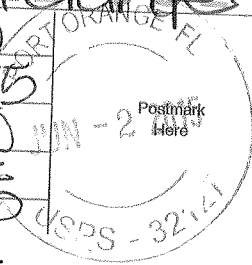
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Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	6.95
Total Post	



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Street & Ap
or PO Box
City, State,
One West Bank N.A.
2900 Esperanza Crossing
Port Orange, FL 32129
Case #15-792 SM 7/8/15

PS Form 3800, July 2014

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Restricted Delivery Fee (Endorsement Required)	6.95
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One West Bank N.A.
2900 Esperanza Crossing
Port Orange, FL 32129
Case #15-792 SM 7/8/15

PS Form 3800, July 2014

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AFTER FIVE DAYS RETURN TO

CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE

PORT ORANGE, FL 32129

Hasler
06/02/2015
\$06.95
ZIP 32129
011D11644012

7014 2870 0000 2137 6327

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CITY OF PORT ORANGE

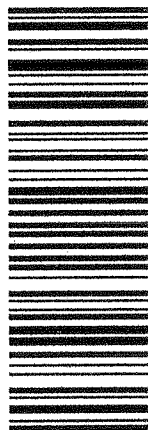
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Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)	6.95	
Total Postage & Fees	\$ 13.90	

Sent To Gloria J. Murch
1217 Jeffrey Drive
Port Orange, FL 32129
Case #15-792 SM 7/8/15

PS Form 3800

tions

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7014 2870 0000 2137 6327

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CITY OF PORT ORANGE

Postage	\$.70	Postmark Here
Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)	6.95	
Total Postage & Fees	\$ 13.90	

Sent To Gloria J. Murch
1217 Jeffrey Drive
Port Orange, FL 32129
Case #15-792 SM 7/8/15

PS Form 3800

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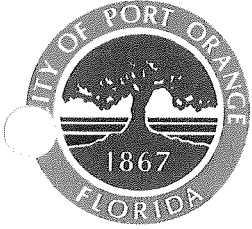
AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

Case Cost Sheet Log

Case No. 15-800

Name	Activity	Activity_Date	Status	Cost
Ryan C. Williams & Amber R. Mason JTRS	Mailing Notice of Violation/Notice of Hearing to 1064 York Way, Port Orange, FL 32119	06/02/2015	Certified Mail returned to City Clerk's Office marked "Unclaimed/Unable to Forward" on 6/29/15.	\$6.95
Ryan C. Williams & Amber R. Mason JTRS	Mailing Finding of Fact/Conclusion of Law & Order to 1064 York Way, Port Orange, FL 32119	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$41.16



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-800

To:
Ryan C Williams &
Amber R Mason JTRS
1064 York Way
Port Orange, FL 32119

Re: 1064 York Way
Port Orange, FL 32129
Parcel ID: 6308-08-00-1120

LEGAL DESCRIPTION: LOT 112 KINGSWOOD SUB 1ST ADD MB 37 PG 79 PER OR 2254 PG 249 & PER COPY OF
UNREC D/C & OR 5579 PG 1591 PER OR 5606 PG 1933

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 5, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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 and (f) Garbage, waste, trash, etc., prohibited.

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.

On May 5, 2015, I left a five day door hanger to have the property mowed and cleaned up of all items, trash, and debris. To date this has not been completed. This property is extremely overgrown and needs to be mowed and maintained on a regular basis. There is outside storage, trash, and debris on site that needs to be removed.

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 **June 10, 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 July 8, 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 \$ 6.95 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.

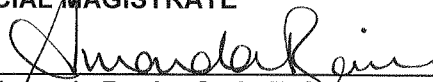
NOTICE OF HEARING SETTING FINE AND LIEN

On the event the **Special Magistrate**, during the hearing on **July 8, 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 **August 12, 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 28th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ryan C Williams & Amber R Mason JTRS 1064 York Way, Port Orange, FL 32119, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 1:45 pm

this 28th day of May, 2015.

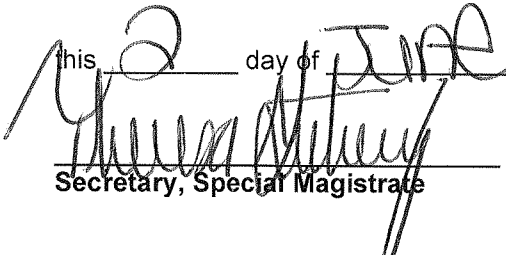

Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ryan C Williams & Amber R Mason JTRS 1064 York Way, Port Orange, FL 32119, was

☐ Posted at City Hall

☒ Sent via certified

this 2 day of June, 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.



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: 05-26-2015 Today's Date: 5-27-2015	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	08-16-33-08-00-1120 6308-08-00-1120	Mill Group	402 Port Orange
Alternate Key	3605845	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	01
Date Created	31 DEC 1981		
Owner Name	RYAN WILLIAMS C &		GO TO ADD'L OWNERS
Owner Name/Address 1	AMBER R MASON JTRS		
Owner Address 2	1064 YORK WAY		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32119		
Owner Percentage	100	Ownership Type	
Location Address	1064 YORK WAY PORT ORANGE 32129		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 112 KINGSWOOD SUB 1ST ADD MB 37 PG 79 PER OR 2254 PG 249	
& PER COPY OF UNREC D/C & OR 5579 PG 1591 PER OR 5606 PG 19	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5606	1933	7/2005	Warranty Deed	Qualified Sale	Yes	215,000
2	2254	0249	3/1981	Warranty Deed	Qualified Sale	Yes	61,900

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	16,755	108,566	2,161	127,482	109,491	109,491	109,491	25,000	84,491	84,491	25,000	59,491
2013	15,994	95,179	2,259	113,432	107,873	107,873	107,873	25,000	82,873	82,873	25,000	57,873

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

LEGAL DESCRIPTION**LOT 112 KINGSWOOD SUB 1ST ADD MB 37 PG 79 PER OR 2254 PG 249****& PER COPY OF UNREC D/C & OR 5579 PG 1591 PER OR 5606 PG 19****33**

07/21/2005 12:47 PM
Doc stamps 1505.00
(Transfer Amt \$ 215000)
Instrument# 2005-196030 # 1
Book: 5606
Page: 1933
Diane M. Matousek
Volusia County, Clerk of Court

Prepared By and Return To:
Margaret M. Patchett
Waterside Title Co.
640 Dunlawton Avenue
Port Orange, FL 32127

Parcel ID Number: 6308-08-00-1120

Grantee #1 TIN:

Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 11th day of July, 2005 A.D. Between
David A. Rebholtz, a single man

of the County of Cambria, State of Pennsylvania, grantor, and
William C. Ryan, a single man and Amber R. Mason, a single woman
as joint tenants with full rights of survivorship
whose address is: 1064 York way, Port Orange, FL 32119

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

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

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

Lot 112, KINGSWOOD SUBDIVISION, FIRST ADDITION, according to the plat
thereof, recorded in Map Book 37, Page 79 of the Public Records of
Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any,
and taxes subsequent to 2005.

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 his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

George Dale Wyse
Printed Name: GEORGE DALE WYSE
Witness

Christopher G Wyse
Printed Name: Christopher G Wyse
Witness

David A Rebholtz (Seal)
David A. Rebholtz
P.O. Address: 102 Cedar Drive, Ebensburg, PA 15931

COMMONWEALTH OF Pennsylvania
COUNTY OF Cambria

The foregoing instrument was acknowledged before me this
David A. Rebholtz, a single man

11th day of July, 2005 by

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)

Hasler

08/02/2015

\$06.95

ZIP 32129

011D11644012



7014 2870 0000 2137 6273

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Certified Fee	3.45	
Return Receipt Fee (Endorsement Required)	2.80	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 6.95	

Sent To Ryan C. Williams & Amber R Mason JTRS
Street & Ap 1064 York Way
or PO Box Port Orange, FL 32119
City, State, Case #15-800 SM 7/8/15

PS Form 38

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RS

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Handwritten: CHUF A PORT ORANGE

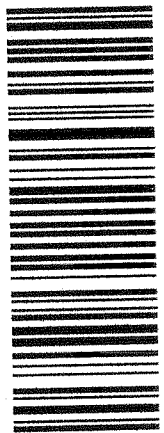
Postage	\$.70	Postmark Here
Certified Fee	3.45	
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Total Postage & Fees	\$ 6.95	

Sent To Ryan C. Williams & Amber R Mason JTRS
Street & Ap 1064 York Way
or PO Box Port Orange, FL 32119
City, State, Case #15-800 SM 7/8/15

PS Form 38

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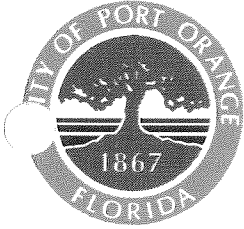
AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

Case Cost Sheet Log

Case No. 15-371

Name	Activity	Activity_Date	Status	Cost
Milan Khanna	Notice of Violation/Notice of Hearing	05/26/2015	Hand Delivered to Leela Madoley, resident. at 3:20 p.m. on May 26, 2015.	\$0.00
Milan Khanna	Mailing Notice of Violation/Notice of Hearing to 139 Creek Forest Ln., Ormond Beach, FL 32174	06/02/2015	Certified Green Card Signed by Millan Khanna and Returned to City Clerk's office.	\$6.73
Milan Khanna	Mailing Finding of Fact/Conclusion of Law & Order to 139 Creek Forest Ln., Ormond Beach, FL 32174	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$40.94



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-371

To:
Milan Khanna
139 Creek Forest Ln
Ormond Beach, FL 32174

Re: 3813 Birch Mountain Road
Port Orange, FL 32129
Parcel ID: 6306-17-00-0760

LEGAL DESCRIPTION: LOT 76 SUNRISE OAKS PUD PHASE III MB 48 PG 102 PER OR 5269 PG 4459 PER OR 6764
PG 1855

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 13, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

After receiving a complaint on March 13, 2015, for outside storage I inspected the property to find a large pile of old wood in the back yard. This was viewed from the common area of the HOA behind the homes. I spoke with the resident Joley and explained to him that the wood needed to be removed. I gave Joley a time frame of two weeks to get this completed. Upon further inspection on April 14, 2015, the wood was moved from one pile to three piles lined up along the two fence lines and the back of the house. This wood needs to be removed from the property in order for compliance to be met.

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 **June 10, 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 July 8, 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 \$ 6.73 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

the event the **Special Magistrate**, during the hearing on **July 8, 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 **August 12, 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 26th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milan Khanna 3813 Birch Mountain Road, Port Orange, FL 32129, was

☒ Hand-delivered to Leela Modolev
☐ Posted at the property (resident)

Time: approx. 3:20 pm

this 26th day of May, 2015.

Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milan Khanna 139 Creek Forest Ln Ormond Beach, FL 32174, was

☐ Posted at City Hall
☒ Sent via certified

this 2 day of June, 2015.

Theresa M. Hickey
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.

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



Volusia County 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: 05-26-2015 Today's Date: 5-26-2015		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	06-16-33-17-00-0760 6306-17-00-0760		Mill Group	402 Port Orange	
Alternate Key	6027323		2014 Final Millage Rate	21.15960	
Parcel Status	Active Parcel		PC Code	01	
Date Created	16 JUL 2001				
Owner Name	KHANNA MILAN				GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2	139 CREEK FOREST LN				
Owner Address 3	ORMOND BEACH FL				
Owner Zip Code	32174				
Owner Percentage	100		Ownership Type		
Location Address	3813 BIRCH MOUNTAIN RD PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 76 SUNRISE OAKS PUD PHASE III MB 48 PG 102 PER OR 5269 P

G 4459 PER OR 6764 PG 1855

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6764	1855	9/2012	Warranty Deed	Qualified Sale	Yes	228,000
2	5269	4459	2/2004	Warranty Deed	Qualified Sale	No	249,706
3	5016	0440	2/2003	Warranty Deed	Multi parcel sale	No	288,300

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	19,520	156,070	0	175,590	175,590	175,590	175,590	0	175,590	175,590	0	175,590
2013	19,520	152,284	0	171,804	171,804	171,804	171,804	0	171,804	171,804	0	171,804

LAND DATA

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

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

10/01/2012 10:43 AM
Doc stamps 1596.00
(Transfer Amt \$ 228000)
Instrument# 2012-175425 # 1
Book: 6764
Page: 1855
Diane M. Matousek
Volusia County, Clerk of Court

File Number: 20624

General Warranty Deed

Made this September 21st, 2012 A.D. By Tracie A. Sprague, a single woman and Barbara D. Trafican, a single woman, whose address is: 29 Beaver Lake Circle, Ormond Beach, Florida 32174, hereinafter called the grantor, to Milan Khanna, married, whose post office address is: 105 Blue Stem Circle, Daytona Beach, FL 32117, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of 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 76 of PLAT OF SUNRISE OAKS, PHASE III, according to the plat thereof as recorded in Map Book 48, Page 102, of the Public Records of Volusia County, Florida.

Parcel ID Number: 6306-17-00-0760

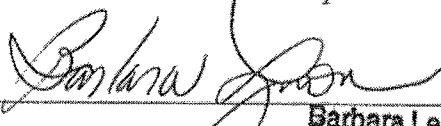
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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, 2011.

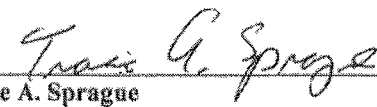
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

(sign) 
Barbara Lemmon

Witness Printed Name _____

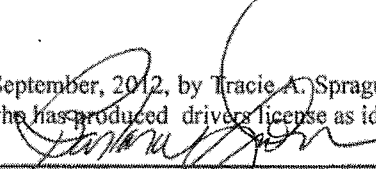
(sign) 
Witness Printed Name MARGARET M. PATCHETT

(sign)  (Seal)
Tracie A. Sprague

(sign)  (Seal)
Barbara D. Trafican

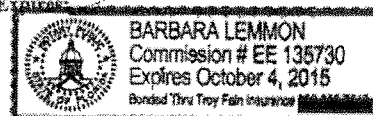
State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 20th day of September, 2012, by Tracie A. Sprague, a single woman and Barbara D. Trafican, a single woman, who is/are personally known to me or who has produced drivers license as identification.

Notary Public
Print Name: 

Barbara Lemmon

My Commission Expires: _____



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

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-371

Milan Khanna,

Respondent.

Property Address: 3813 Birch Mountain Road
Parcel ID: 6306-17-00-0760

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

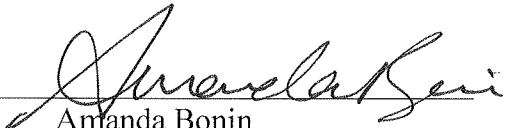
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 3813 Birch Mountain Road, Port Orange, Florida 32129, is owned by Milan Khanna.
4. That 3813 Birch Mountain Road, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 3813 Birch Mountain Road, Port Orange, Florida 32129, at 3:20 p.m. on the 26th day of May, 2015, to Leela Madoley, resident, 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.

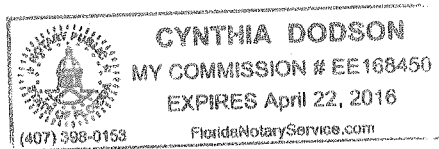
FURTHER AFFIANT SAYETH NOT.

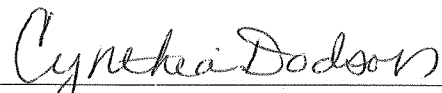
DATED this 28th day of May, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of May, 2015, by Amanda Bonin, who is personally known to me.




Notary Public, State of Florida

Commission No. 4/22/16

Haster
06/02/2015
\$06.73
ZIP 32129
011D11644012

7014 2870 0000 2137 6334

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

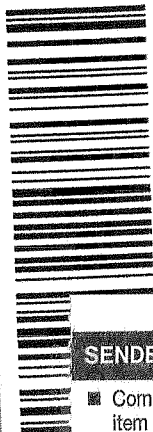
Postage \$ 4.80
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 6.73
Total Postage & Fees 17.78

Milan Khanna
139 Creek Forest Lane
Ormond Beach, FL 32174
Case #15-371 SM 7/8/15

Postmark Here JUN - 2 2015 USPS - 32127

PS Form 3811, July 2013

CERTIFIED MAIL®



0 0000 2137 6334
0 0000 2137 6334

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Postage \$ 4.80
Certified Fee 3.45
Return Receipt Fee (Endorsement Required) 2.80
Restricted Delivery Fee (Endorsement Required) 6.73
Total Postage & Fees 17.78

Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Milan Khanna
139 Creek Forest Lane
Ormond Beach, FL 32174
Case #15-371 SM 7/8/15

2. Article Number
(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
☒ Milan Khanna ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery
MILAN KHANNA

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

7014 2870 0000 2137 6334

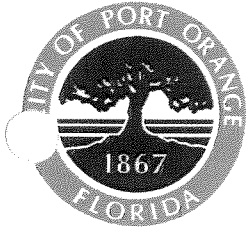
AFTER FIVE DAYS RETURN TO
CITY OF PORTORANCE

Case Cost Sheet Log

Case No. 14-946

Name	Activity	Activity_Date	Status	Cost
NNP, LLC/C/o Nirali Patel	Notice of Violation/Notice of Hearing	05/26/2015	Hand Delivered to to Jay Patel at approx. 3:45 p.m. on May 26, 2015.	\$0.00
NNP, LLC/C/o Nirali Patel	Mailing Finding of Fact/Conclusion of Law & Order to 5275 Nova Road, Port Orange, FL 32127	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-946

To: NNP LLC
C/o Nirali Patel
5275 Nova Road
Port Orange, FL 32127

Re: 5245 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0102
LEGAL DESCRIPTION:

Volusia County Public Records 15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A & 239.67 FT ON E/L PER OR 4153 PG 1315 & PER OR 6524 PGS 23 77 THRU 2382
Volusia County, FL

An inspection of the premises on **May 1, 2014**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d)

A commercial property maintenance program inspection was completed and several items as shown on the attached landscape plan need to be addressed. Such items include but are not limited to; replacement off all plants and shrubs which have died or are missing, removal of outside storage including the smokers which are not permitted per the development requirements, re-striping of all parking lot markings, removal of all trash and debris, pressure washing of the building, painting if necessary after pressure washing, applying mulch to all landscape beds and hedgerows, and ensure all irrigation is in proper working order.

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 **July 3, 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 July 8, 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 **July 8, 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 **PUBLIC HEARING** will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 12, 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 26th 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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, was

- ☒ Hand-delivered to Jay Patel
☐ Posted at the property

this 26th day of May, 2015.

Time: approx. 3:45 pm

Amanda Bonin
AMANDA BONIN

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, 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.



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: 05-26-2015 Today's Date: 5-26-2015	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	15-16-33-00-00-0102 6315-00-00-0102	Mill Group	402 Port Orange
Alternate Key	3633067	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	16
Date Created	31 DEC 1981		
Owner Name	NNP LLC	GO TO ADD'L OWNERS	
Owner Name/Address 1			
Owner Address 2	5275 S NOVA ROAD		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Owner Percentage	100	Ownership Type	
Location Address	5245 NOVA RD PORT ORANGE 32127		

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT	
N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6524	2381	10/2010	Warranty Deed	Multi parcel sale	Yes	1,150,000
2	5052	3121	3/2003	Warranty Deed	Unqualified Sale	Yes	10
3	4153	1315	10/1996	Warranty Deed	Location	Yes	775,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(\$)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	338,670	165,797	16,323	520,790	520,790	520,790	520,790	0	520,790	520,790	0	520,790
2013	338,670	150,418	16,323	505,411	505,411	505,411	505,411	0	505,411	505,411	0	505,411

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
1600	SHOPNG CTR COMMUNITY	No Data	No Data	75260.00	SQUARE FEET	5.00	100	90	100	100	338,670	

LEGAL DESCRIPTION
15 16 33 IRREG PARCEL IN SW 1/4 OF NE 1/4 BEING S 214.55 FT
N OF ST RD 5A AS MEAS ON W/L & 293.6 FT AS MEAS ON ST RD 5A
& 239.67 FT ON E/L PER OR 4153 PG 1315 & PER OR 6524 PGS 23
77 THRU 2382

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS[Home](#)[Contact Us](#)[E-Filing Services](#)[Document Searches](#)[Forms](#)[Help](#)

Detail by Entity Name

Florida Limited Liability Company

NNP, LLC.

Filing Information

Document Number	L10000095381
FEI/EIN Number	273988382
Date Filed	09/10/2010
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	09/30/2010
Event Effective Date	NONE

Principal Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Mailing Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Registered Agent Name & Address

PATEL, NIRALI
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Authorized Person(s) Detail

Name & Address

Title MGRM

PATEL, RAKESH A
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Title MGRM

PATEL, RENUKA R
5275 SOUTH NOVA ROAD[Copyright ©](#) and [Privacy Policies](#)

State of Florida, Department of State

27-
This Instrument was Prepared by and after
recording Return to:

Kathleen S. Davis
SOUTHERN TITLE HOLDING COMPANY, INC.
400 Seabreeze Blvd.
Daytona Beach, FL 32118
CM-10-3407

**CERTIFICATE AND AFFIDAVIT
OF LIMITED LIABILITY COMPANY**

THE UNDERSIGNED, being a Managing Members of NNP, LLC, a Florida limited liability company, hereby certifies to STEWART TITLE GUARANTY COMPANY and SOUTHERN TITLE HOLDING COMPANY, LLC, as follows:

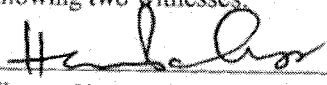
1. Attached as Schedule "A" is a true and correct copy of the Articles of Organization (the "Articles") for NNP, LLC, a Florida limited liability company (the "Company").

2. The Articles are in full force and effect and have not been revoked, modified or amended and there has been no dissolution of the Company resulting from transfer of members' interest or otherwise.

3. Management of the Company is vested in its Managing Members. The Managing Members of the Company are **RAKESH A. PATEL** and **RENUKA R. PATEL**.

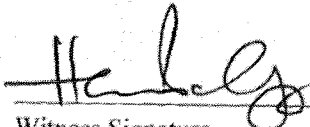
EXECUTED THIS 8 day of October, 2010.

Signed in the presence of the
following two witnesses:


Witness Signature
RAKESH A. PATEL

Printed Name

Witness Signature
KATHY DAVIS

Printed Name

Witness Signature
RAKESH A. PATEL

Printed Name

Witness Signature
KATHY DAVIS

STATE OF FLORIDA
COUNTY OF VOLUSIA


RAKESH A. PATEL


RENUKA R. PATEL

ARTICLES OF AMENDMENT
TO
ARTICLES OF ORGANIZATION
OF

NNP, LLC

(Name of the Limited Liability Company as it now appears on our records.)
(A Florida Limited Liability Company)

FILED
10 SEP 30 PM 1:05
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Instrument# 2010-184830 # 2
Book : 6524
Page : 2384

The Articles of Organization for this Limited Liability Company were filed on SEPT 10, 2010 and assigned
Florida document number

This amendment is submitted to amend the following:

A. If amending name, enter the new name of the limited liability company here:

The new name must be distinguishable and end with the words "Limited Liability Company," the designation "LLC" or the abbreviation "L.L.C."

Enter new principal offices address, if applicable:

(Principal office address MUST BE A STREET ADDRESS)

Enter new mailing address, if applicable:

(Mailing address MAY BE A POST OFFICE BOX)

B. If amending the registered agent and/or registered office address on our records, enter the name of the new registered agent and/or the new registered office address here:

Name of New Registered Agent:

New Registered Office Address:

Enter Florida street address

 , Florida
City Zip Code

New Registered Agent's Signature, if changing Registered Agent:

I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relative to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S. Or, if this document is being filed to merely reflect a change in the registered office address, I hereby confirm that the limited liability company has been notified in writing of this change.

If Changing Registered Agent, Signature of New Registered Agent

If amending the Managers or Managing Members on our records, enter the title, name, and address of each Manager or Managing Member being added or removed from our records:

MGR = Manager

MGRM = Managing Member

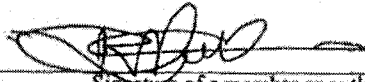
<u>Title</u>	<u>Name</u>	<u>Address</u>	<u>Type of Action</u>
MGRM	RAKESH A. PATEL	5275 SOUTH NOVA ROAD PORT ORANGE, FL 32127	☒ Add ☐ Remove
MGRM	RENUKA R. PATEL	5275 SOUTH NOVA ROAD PORT ORANGE, FL 32127	☒ Add ☐ Remove
MGRM	NIRALI PATEL	5275 SOUTH NOVA ROAD PORT ORANGE, FL 32127	☐ Add ☒ Remove
			☐ Add ☐ Remove
			☐ Add ☐ Remove
			☐ Add ☐ Remove

Instrument# 2010-184830 # 3
Book : 6524
Page : 2385
Diane M. Matousek
Volusia County, Clerk of Court

D. If amending any other information, enter change(s) here: *(Attach additional sheets, if necessary.)*

FILED
10 SEP 30 PM 1:05
TALLAHASSEE, FLORIDA

Dated SEPTEMBER 28, 2010



Signature of a member or authorized representative of a member

RAKESH A. PATEL

Typed or printed name of signee

Page 2 of 2

Filing Fee: \$25.00

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

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

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

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

(Code 1981, § 6-323)

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

- (a) *Maintenance criteria.*
 - (1) *Parking lot striping, fire lane and traffic control markings.* All striping and markings required by the original site plan, the Manual of Uniform Traffic Control Devices (MUTCD), or other city codes must meet minimum visibility standards and shall conform to the design standards of the MUTCD.
 - (2) *Traffic and parking control signage.* All signage required by the site plan, the MUTCD, and other city codes shall be maintained according to accepted standards.
 - (3) *Pavement surfaces.* All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.
 - (4) *Storage of products or materials.* Designated parking, sidewalk and driveway areas shall not be

used for the storage or sale of products or materials of any type. Products or materials unloaded in designated service areas and loading zones shall be moved indoors or into approved outside storage areas within 24 hours.

(b) *Construction standards:*

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

(Code 1981, § 6-325)

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

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

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

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

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

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

- (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
- (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
- (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

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

(Code 1981, § 6-326)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-946

NNP LLC,

Respondent.

Property Address: 5245 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0102

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF 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 5245 Nova Road, Port Orange, Florida 32127, is owned by NNP LLC.
4. That 5245 Nova Road, 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 5245 Nova Road, Port Orange, Florida 32127, at approx. 3:45 p.m. on the 26th day of May, 2015, to Jay Patel, 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.

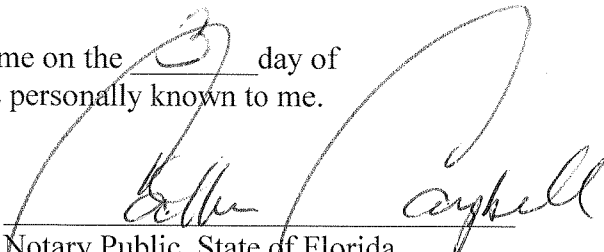
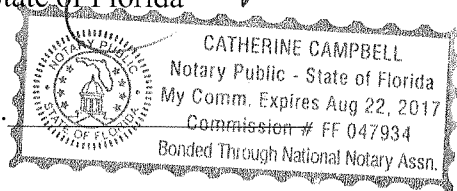
FURTHER AFFIANT SAYETH NOT.

DATED this 3rd day of June, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 3 day of May, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida
Commission No. 

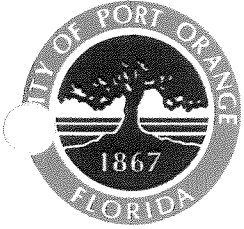
CATHERINE CAMPBELL
Notary Public - State of Florida
My Comm. Expires Aug 22, 2017
Commission # FF 047934
Bonded Through National Notary Assn.

Case Cost Sheet Log

Case No. 14-1036

Name	Activity	Activity_Date	Status	Cost
NNP, LLC/C/o Nirali Patel	Notice of Violation/Notice of Hearing	05/26/2015	Hand Delivered to Jay Patel at approx. 3:45 p.m. on May 26, 2015.	\$0.00
NNP, LLC/C/o Nirali Patel	Mailing Finding of Fact/Conclusion of Law & Order to 5279 Nova Road, Port Orange, FL 32127	07/08/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/08/2015		\$27.00

Total: \$34.21



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-1036

To: NNP LLC
C/o Nirali Patel
5275 Nova Road
Port Orange, FL 32127

Re: 5279 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0101
LEGAL DESCRIPTION:

Volusia County Public Records 15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151.95 FT ON W/L & 72.8 FT ON ST RD 5A OF SW 1/4 OF NE 1/4 PEROR 4467 PG 4476 PER OR 6514 PGS 3451-3452 & PER OR 6524 PGS2377 THRU 2382
Volusia County, FL

Inspection of the premises on **May 1, 2014**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d)

A commercial property maintenance program inspection was completed and several items as shown on the attached landscape plan need to be addressed. Such items include but are not limited to; replacement off all plants and shrubs which have died or are missing, removal of outside storage including the smokers which are not permitted per the development requirements, re-striping of all parking lot markings, removal of all trash and debris, pressure washing of the building, painting if necessary after pressure washing, applying mulch to all landscape beds and hedgerows, and ensure all irrigation is in proper working order.

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 **July 3, 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 July 8, 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 **July 8, 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 **August 4, 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 20th day of May, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: *Amada 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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, was

- ☒ Hand-delivered to Jay Patel
☐ Posted at the property

this 20th day of May, 2015.

Time: approx. 3:45 pm

Amada 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 NNP LLC c/o Nirali Patel 5275 Nova Road, Port Orange, FL 32127, 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: 06-02-2015 Today's Date: 6-5-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		15-16-33-00-00-0101 6315-00-00-0101	Mill Group		402 Port Orange
Alternate Key		3633059	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	PC Code		16
Date Created		31 DEC 1981			
Owner Name		NNP LLC		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5275 S NOVA ROAD			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100	Ownership Type		
Location Address		5279 NOVA RD PORT ORANGE 32127			

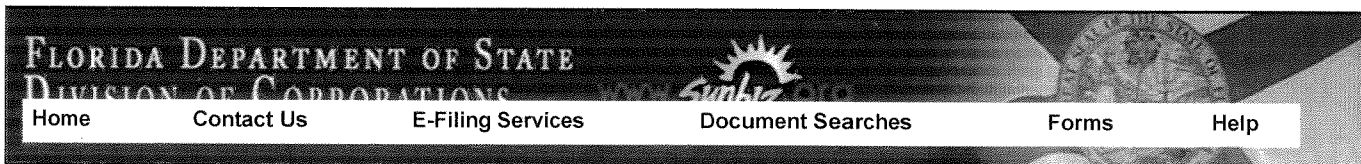
LEGAL DESCRIPTION	GO TO ADD'L LEGAL
15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28 FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6524	2377	10/2010	Warranty Deed	Unqualified Sale	Yes	100
2	6524	2381	10/2010	Warranty Deed	Multi parcel sale	Yes	1,150,000
3	6514	3451	7/2010	Warranty Deed	Affiliated Parties	Yes	645,000

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	118,250	278,077	5,626	401,953	401,953	401,953	401,953	0	401,953	401,953	0	401,953
2013	118,250	250,939	5,645	374,834	374,834	374,834	374,834	0	374,834	374,834	0	374,834

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

LEGAL DESCRIPTION
15 16 33 IRREG PARCEL BEING S 193 FT MEAS ON E/L OF W 126.28
FT OF E 546.28 FT MEAS ON S/L & BEING 87.72 FT ON N/L & 151
.95 FT ON W/L & 72.8 FT ON ST RD 5A OF SW 1/4 OF NE 1/4 PER
OR 4467 PG 4476 PER OR 6514 PGS 3451-3452 & PER OR 6524 PGS
2377 THRU 2382



Detail by Entity Name

Florida Limited Liability Company

NNP, LLC.

Filing Information

Document Number	L10000095381
FEI/EIN Number	273988382
Date Filed	09/10/2010
State	FL
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	09/30/2010
Event Effective Date	NONE

Principal Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Mailing Address

5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Registered Agent Name & Address

PATEL, NIRALI
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Authorized Person(s) Detail

Name & Address

Title MGRM

PATEL, RAKESH A
5275 SOUTH NOVA ROAD
PORT ORANGE, FL 32127

Title MGRM

PATEL, RENUKA R
5275 SOUTH NOVA ROAD

18.50
70

This Instrument Prepared by:

Kathleen S. Davis
SOUTHERN TITLE HOLDING COMPANY, LLC.
400 Seabreeze Blvd.
Daytona Beach, FL 32118

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

Property Appraiser's Parcel I.D. (Folio) Number(s):

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

File No: cm103407

CORRECTIVE WARRANTY DEED

This Special Warranty Deed Made the 8th day of October, 2010, by D ANDREW CLARK, AKA DOUGLAS ANDREW CLARK, SUCCESSOR CO-TRUSTEE OF THE DOUGLAS J. CLARK TRUST DATED FEBRUARY 7, 1992 AND AS AMENDED IN THE FIRST RESTATEMENT DATED AUGUST 30, 2006, whose address is: 5111 S. Ridgewood Avenue, Port Orange, FL 32127, herinafter called the Grantor, to COMMONWEALTH PLAZA, LTD., a Florida limited partnership whose address is 5111 S. Ridgewood Avenue, Port Orange, FL 32127, herinafter called the Grantee,

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

To correct an error in the legal description of that certain Warranty Deed recorded in Official Records Book 6514, Page 3451.

"LOT 45, BLOCK C, BAYWOOD REPLAT AS SHOWN ON MAP IN MAP BOOK 23, PAGES 44 AND 45 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LYING WESTERLY OF ISABELLA ST. A 60 FOOT RIGHT-OF-WAY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE NORTHWEST CORNER OF SAID LOT 45, BLOCK C PREVIOUSLY DESCRIBED THENCE ALONG THE NORTHERLY BOUNDARY OF BAYWOOD REPLAT, NORTH 90°00'00" EAST A DISTANCE OF 126.94 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF ISABELLA ST.; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF ISABELLA ST. BY A NON-TANGENT CURVE BEING CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 99.55 FEET A CENTRAL ANGLE OF 44°41'51", FOR AN ARC LENGTH OF 77.68 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 22°19'16" WEST A DISTANCE OF 75.71 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT-OF-WAY SOUTH 44°36'57" WEST A DISTANCE OF 12.63 FEET; TO A POINT IN THE NORTHERLY RIGHT-OF-WAY OF NOVA RD. (S.R. 5A) A 100 FOOT RIGHT-OF-WAY; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY BY A NON-TANGENT CURVE BEING CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 1960.08 FEET, A CENTRAL ANGLE OF 03°29'09", FOR AN ARC LENGTH OF 119.25 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF NORTH 48°29'25" WEST A DISTANCE OF 119.23 FEET; TO THE POINT OF BEGINNING SECTION 15, TOWNSHIP 16 SOUTH, RANGE 33 EAST.

and

THAT PORTION OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 15, TOWNSHIP 16, SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: BEGIN AT THE INTERSECTION OF THE WESTERLY LINE OF ISABELLE AVENUE WITH THE SOUTH LINE OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 15, SAID POINT BEING A DISTANCE OF 420 FEET WESTERLY OF THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 15; THENCE NORTH ALONG THE WEST LINE OF ISABELLE AVENUE, A DISTANCE OF 193.00 FEET TO A POINT; THENCE SOUTH 70°30' WEST A DISTANCE OF 43.66 FEET TO A POINT; THENCE SOUTH 60°02' WEST, A DISTANCE OF 43.86 FEET TO A POINT; THENCE SOUTH 39°43'10" WEST, A DISTANCE OF 151.85 FEET TO THE NORTHEASTERLY LINE OF NOVA ROAD, SAID LINE BEING A CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1960.08 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE FOR A CHORD DISTANCE OF 43.66 FEET TO A POINT IN THE

Signed, sealed and delivered in our presence:

D ANDREW CLARK, AKA DOUGLAS
ANDREW CLARK, SUCCESSOR CO-TRUSTEE
OF THE DOUGLAS J. CLARK TRUST DATED
FEBRUARY 7, 1992 AND AS AMENDED IN THE
FIRST RESTATEMENT DATED AUGUST 30,
2006

Witness Signature: [Signature]

Printed Name: KATHY DAVIS

Witness Signature: [Signature]

Printed Name: Michael Pelite

By: [Signature]

D. ANDREW CLARK AKA DOUGLAS ANDREW
CLARK; SUCCESSORS CO-TRUSTEE

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 8 day of October, 2010, by DOROTHY R.
LOWER, who is personally known to me or who has produced a valid driver's license as identification.

My Commission Expires:



[Signature]
Printed Name:
Notary Public
Serial Number

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

- (a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:
- (1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.
 - (2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.
 - (3) *Lawns.* Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:
 - a. To accommodate new or expanded planting areas and their natural growth.
 - b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
 - c. In limited areas subject to foot traffic where maintenance has been unsuccessful.
 - (4) *Natural areas.* Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.
 - (5) *Other planting areas.* Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (b) *Properties without landscape plans developed after June 16, 1976.* Where properties have developed without specifically approved landscape plans or such plans cannot be located, the property shall be required to meet the minimum standards in effect at the time of development. In addition, such properties shall be required to maintain any additional plantings above code minimums in place as of June 21, 1989. Criteria for maintenance and replacement shall parallel those of subsection (a) above and subsection (d) below.
- (c) *Properties developed prior to the adoption of minimum landscape standards on June 16, 1976.* Where properties developed prior to the above date without a specific landscape plan, the property will only be required to maintain those plantings existing on June 21, 1989. However, these properties will be subject to the provisions of section 14-316
- (d) *Required maintenance and anticipated growth and coverage.* The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:
- (1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:
 - a. Trimming and pruning to reduce stress.
 - b. Soil aeration.
 - c. Deep root fertilization.
 - (2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

- (3) Reasonable growth shall be based on accepted industry standards.
- (4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.
- (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.
- (6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.
- (7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

(Code 1981, § 6-322)

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

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

(Code 1981, § 6-323)

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

- (a) *Maintenance criteria.*
 - (1) *Parking lot striping, fire lane and traffic control markings.* All striping and markings required by the original site plan, the Manual of Uniform Traffic Control Devices (MUTCD), or other city codes must meet minimum visibility standards and shall conform to the design standards of the MUTCD.
 - (2) *Traffic and parking control signage.* All signage required by the site plan, the MUTCD, and other city codes shall be maintained according to accepted standards.
 - (3) *Pavement surfaces.* All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.
 - (4) *Storage of products or materials.* Designated parking, sidewalk and driveway areas shall not be

used for the storage or sale of products or materials of any type. Products or materials unloaded in designated service areas and loading zones shall be moved indoors or into approved outside storage areas within 24 hours.

(b) *Construction standards:*

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

(Code 1981, § 6-325)

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

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

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

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

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

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

- (1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.
- (2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.
- (3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

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

(Code 1981, § 6-326)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-1036

NNP LLC,

Respondent.

Property Address: 5279 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0101

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

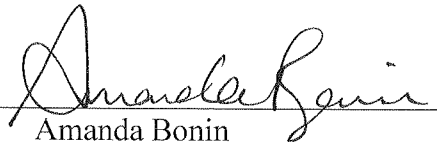
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 5279 Nova Road, Port Orange, Florida 32127, is owned by NNP LLC.
4. That 5279 Nova Road, 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 5279 Nova Road, Port Orange, Florida 32127, at approx. 3:45 p.m. on the 26th day of May, 2015, to Jay Patel, 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 June, 2015.

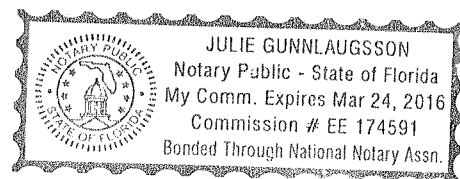

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 5th day of June, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-678

Name	Activity	Activity_Date	Status	Cost
Troy Loprimo & Susan Plebanek	Notice of Violation/Notice of Hearing	05/04/2015	Hand Delivered to Troy Loprimo on May 4, 2015 at 2:15 p.m.	\$0.00
Troy Loprimo	Mailing Finding of Fact/Conclusion of Law & Order to 5357 Christiancy Ave., Port Orange, FL 32127	06/10/2015	USPS attempted to deliver item at 11:57 am on June 12, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.73
Susan Plebanek	Mailing Finding of Fact/Conclusion of Law & Order to 5357 Christiancy Ave., Port Orange, FL 32127	06/10/2015	USPS attempted to deliver item at 11:57 am on June 12, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.73
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	06/10/2015	BK: 7127 PG: 1642	\$27.00
Troy Loprimo	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5357 Christiancy Ave., Port Orange, FL 32127	07/08/2015		\$0.70
Susan Plebanek	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5357 Christiancy Ave., Port Orange, FL 32127	07/08/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	07/08/2015		\$44.00

Total: \$85.86



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 Loprino & 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.

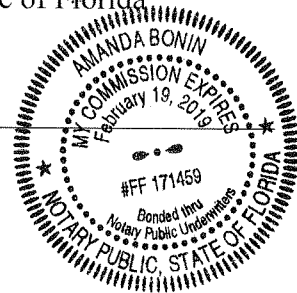
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**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. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-513**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Valerie Potter
176 Iron Gate Lane
Port Orange, FL 32129
6308 [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 March 27, 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), Valerie Potter, whose mailing address is 299 Morningside Avenue, Daytona Beach, FL 32118, is/are the owner(s) of the property located at 176 Iron Gate Lane, Port Orange, FL 32129, and more particularly described as:

LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG
2347

B. There are high weeds and grass along with trash and debris on the property. There also is a damaged flooring which has also fallen through from looking at the underside of the mobile home unit and from the opened door. The home is unsecured and abandoned. This condition was first observed at the real property described above on March 31, 2015; re-inspections made on May 12, 2015 and May 22, 2015 confirmed the condition as being the same. Respondent(s), Valerie Potter, received notice via certified mail and posted City Hall on April 14, 2015. Additionally, the property was posted on April 9, 2015. The aforesaid conditions constituted a violation of Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous

Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, 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, and Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2), and was to be corrected by May 8, 2015.

C. At the time of the hearing on May 27, 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), Valerie Potter, by reason of the foregoing, has/have violated Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, 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, and Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of

high weeds and grass, trash and debris, and the damaged floor, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property, removing all trash and debris, removing the abandoned inoperable and unlicensed vehicle, obtain a permit to repair the home and or secure the property on or before June 10, 2015. In the event that the property is not brought into compliance on or before June 10, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 10, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 10, 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 \$40.86 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 27 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), Valerie Potter, 299 Morningside Avenue, Daytona Beach, FL 32118 by Certified and Regular Mail this 28 day of May, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-039

Name	Activity	Activity_Date	Status	Cost
Andreas M. Schill	Mailing Notice of Violation/Notice of Hearing to 5831 Wales Avenue, Port Orange, FL 32127	04/14/2015		\$6.69
Andrea M. Schill	Mailing Finding of Fact/Conclusion of Law & Order to 5831 Wales Avenue, Port Orange, FL 32127	05/27/2015		\$6.48
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00

Total: \$40.17



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-039

To: Schill, Andreas M
5831 Wales Ave.
Port Orange, FL 32127

Re: 5831 Wales Ave
Port Orange, FL 32127
Parcel ID: 6322-06-00-0160

LEGAL DESCRIPTION: LOT 16 CAMBRIDGE VILLAS UNIT II MB 34 PG 133 PER OR 3035 PG 1430 PER OR 6053 PG 1408 PER D/C 6053 PG 1409 PER OR 6795 PG 0663 PER OR 6998 PG 4660

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 14, 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, Article II, Section 42-26 (d)(f)(h)

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32

2015 International Property Maintenance Code, Chapter 3, 302.7 Accessory Structures, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

I received a citizen complaint and inspected the property on January 14, 2015. I observed that the entire property is overgrown and needs to be mowed, there is trash and debris to be removed, garbage cans and other items in front of the garage and beside the house need to be properly stored, a shed in the back yard is dilapidated and the door is hanging by one hinge and needs to be removed, and there are numerous items stored around the shed and the yard that need to be removed or properly stored out of view. I contacted Mike Schill on January 15, 2015, who stated he will have the yard mowed and cleaned up and that he will have an architect draw plans for him to build a new shed so that he can store all of his items out of view. A reinspection on April 7, 2015, showed that the yard has been mowed but there is still some tall undergrowth in the back yard, and all outside stored items and condition of the shed remains the same. As of April 9, 2015, a permit for the new shed has not been submitted.

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 27, 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 27, 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 8, 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) 506-5644.

DATED this 9th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah J Faircloth
Deborah Faircloth

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Andreas M Schill, 5831 Wales Ave., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:30pm

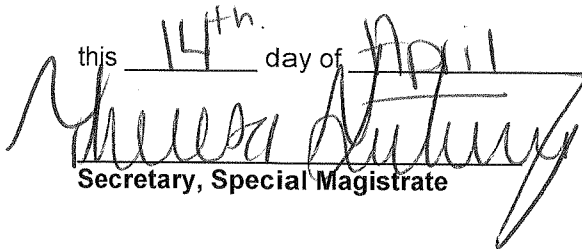
this 9th day of April, 2015.

Deborah J Faircloth
Deborah Faircloth

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Andreas M Schill, 5831 Wales Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 14th day of April, 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: 04-07-2015 Today's Date: 4-8-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		22-16-33-06-00-0160 6322-06-00-0160		Mill Group 402 Port Orange	
Alternate Key		3665210		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		SCHILL ANDREAS M		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5831 WALES AVE			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		5831 WALES AV PORT ORANGE 32127			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 16 CAMBRIDGE VILLAS UNIT II MB 34 PG 133 PER OR 3035 PG	
1430 PER OR 6053 PG 1408 PER D/C 6053 PG 1409 PER OR 6795 PG	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6998	4660	3/2014	Warranty Deed	Unqualified Sale	Yes	55,700
2	6795	0663	11/2012	Warranty Deed	Qualified Sale	Yes	57,100
3	6053	1408	4/2007	Warranty Deed	Qualified Sale	Yes	170,000

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	19,387	54,745	1,808	75,940	75,940	75,940	75,940	0	75,940	75,940	0	75,940
2013	19,387	48,758	1,864	70,009	70,009	70,009	70,009	0	70,009	70,009	0	70,009

LAND DATA												
CODE	TYPE OF	FRONTAGE	DEPTH	# OF	UNIT	RATE	DPH	LOC	SHP	PHY	JUST	

LEGAL DESCRIPTION
LOT 16 CAMBRIDGE VILLAS UNIT II MB 34 PG 133 PER OR 3035 PG
1430 PER OR 6053 PG 1408 PER D/C 6053 PG 1409 PER OR 6795 PG
0663 PER OR 6998 PG 4660

Prepared by:
John F. Pyle
Equity Closing and Title Corporation
159 W. Granada Blvd.
Ormond Beach, Florida 32174

Diane M. Matousek, Volusia County, Clerk of Court

File Number: P-4544

General Warranty Deed

Made this **March 12, 2014 A.D.** By
Arthur F. Graham a married man,
whose address is:
144 Mallard Lane, Daytona Beach, Florida 32119,
hereinafter called the grantor, to
Andreas M. Schill, an unmarried man,
whose address is:
5831 Wales Ave., 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 16, Cambridge Villas Unit II, according to the plat thereof, recorded in Plat Book 34, Page 133, 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: **632206000160**

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.

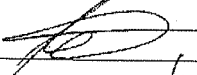
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to **December 31, 2013.**

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:

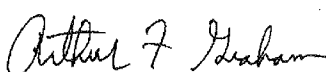


Witness Printed Name **John F. Pyle**



Witness Printed Name **C. We. Amara**

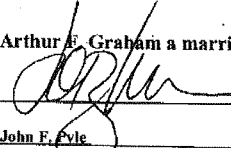
State of **Florida**
County of **Volusia**



Arthur F. Graham (Seal)
Address: 144 Mallard Lane, Daytona Beach, Florida 32119

(Seal)
Address:

The foregoing instrument was acknowledged before me this **12th** day of **March, 2014**, by **Arthur F. Graham a married man**, who is/are personally known to me or who has produced **drivers license** as identification.



Notary Public
Print Name: **John F. Pyle**
My Commission Expires: _____



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

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

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

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

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

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

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the 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)

ARTICLE V. - UNSAFE CONDITIONS

FOOTNOTE(S):

--- (4) ---

Editor's note— Section 1 of an ordinance adopted Oct. 17, 2000, added provisions designated as §§ 42-1—42-5. For better categorizing and indexing, said provisions have been redesignated as §§ 42-101—42-105, at the discretion of the editor.

DIVISION 1. - GENERALLY

Secs. 42-91—42-100. - Reserved.

DIVISION 2. - NUISANCE TREES

Sec. 42-101. - Purpose.

This article establishes regulations and standards necessary to ensure that the city continues to safely realize the benefits provided by naturally existing and cultivated trees. It is not intended to resolve or regulate disputes over trees on private property that do not affect general public safety.

(Ord. No. 2000-40, § 1, 10-17-00)

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

Exception: *Approved* retention areas and reservoirs.

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

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

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

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

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

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

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

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

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

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-039

Andreas M. Schill
5831 Wales Ave.
Port Orange, FL 32127
6322-06-00-0160,

Respondent.

Property Address: 5831 Wales Ave., Port Orange, FL 32127
Parcel ID: 6322-06-00-0160

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5831 Wales Ave., Port Orange, Florida 32127, is owned by Andreas M. Schill.
4. That 5831 Wales Ave., 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 5831 Wales Ave., Port Orange, Florida 32127, at 12:30 p.m. on the 9th day of April, 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 9th day of April, 2015.

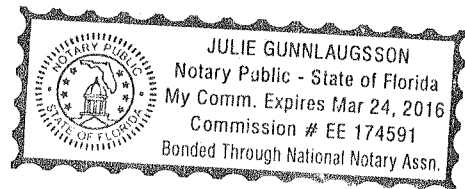
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 9th day of April, 2015, by Deborah Faircloth, who is personally known to me.

Julie Gunnlaugsson
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-276

Name	Activity	Activity_Date	Status	Cost
Jeffery E. Rivers ETAL	Mailing Notice of Violation/Notice of Hearing to 98 Stone Gate Lane, Port Orange, FL 32129	04/14/2015	Certified Mail returned to the City Clerk's Office marked "Unclaimed/Unable to Forward".	\$6.69
Jeffrey E. Rivers	Mailing Finding of Fact/Conclusion of Law & Order to 98 Stone Gate Lane, Port Orange, FL 32129	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00
Jeffery E. Rivers ETAL	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 98 Stone Gate Lane, Port Orange, FL 32129	08/08/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	07/08/2015		\$44.00

Total: \$85.35



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-276

To:
Jeffery E Rivers Etal
98 Stone Gate Lane
Port Orange, FL 32129

Re: 98 Stone Gate Lane
Port Orange, FL 32129
Parcel ID: 6308-02-00-0980
LEGAL DESCRIPTION: LOT 98 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4907 PG 1416

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 4, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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 and (f) Garbage, waste, trash, etc., prohibited.

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

Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

Upon inspection on March 4, 2015, I left a five day door hanger to remove all outside storage, trash, and debris. Upon re-inspection the property remained in the same condition and now the grass/weeds have become overgrown. It was brought to my attention that the home is vacant and infested with roaches. I attempted to make contact with the owner but that phone number was disconnected.

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 24, 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 27, 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 \$ 6,609 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.

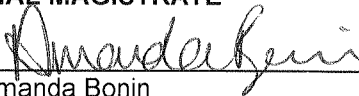
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 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 8, 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 9th day of April, 2015.

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 Jeffery E Rivers Etal 98 Stone Gate Lane, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 12:53 pm

this 9th day of April, 2015.

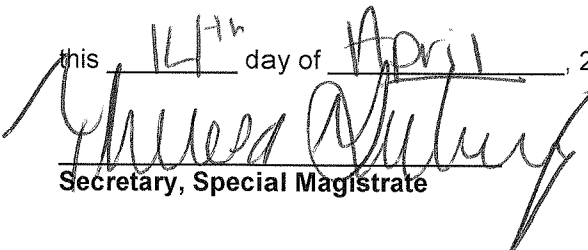

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffery E Rivers Etal 98 Stone Gate Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified

this 14th day of April, 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.



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: 04-07-2015 Today's Date: 4-9-2015	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	08-16-33-02-00-0980 6308-02-00-0980	Mill Group	402 Port Orange
Alternate Key	3599829	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	02
Date Created	30 DEC 1981		
Owner Name	RIVERS JEFFERY E ETAL		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	98 STONEGATE LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	98 STONE GATE LN PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 98 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4907 PG 1416

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4907	1416	7/2002	Quit Claim Deed	Unqualified Sale	Yes	10
2	4677	1692	4/2001	Warranty Deed	Qualified Sale	Yes	55,000
3	4621	0843	12/2000	Warranty Deed	Qualified Sale	Yes	46,000

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	4,820	26,994	0	31,814	28,881	28,881	28,881	25,000	3,881	3,881	0	3,881

08/06/2002 16:10
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 2002-177761
Book: 4907
Page: 1416
Diane M. Matousek
Volusia County, Clerk of Court

Prepared by:
Return to:
BRUCE S. KAUFMAN, ESQ.
400 W. Granada Blvd.
Ormond Beach, FL 32174

Parcel 6308-02-00-0980

QUIT CLAIM DEED

THIS QUIT CLAIM DEED, Executed this 26th of July 2002, by DORIS C. GIBBS, a single person, whose address is 98 Stonegate Lane, Port Orange, Florida 32119, GRANTOR, to JEFFERY E. RIVERS and CATHERINE A. RIVERS, as tenants by the entirety, GRANTEE;

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

WITNESSETH, That the said grantor, for and in consideration of the sum of \$10.00, in hand paid by the said grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in County of Volusia, State of Florida, to-wit:

Lot 98, TWIN GATES MOBILE ESTATES SUBDIVISION, according to the plat thereof, recorded in Map Book 33, Page 48 of the Public Records of VOLUSIA County, Florida; together with 1978 National Mobile Home ID# 15312 Title Number [REDACTED]

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

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

Signed, sealed and delivered
in the presence of:

Sign: [Signature]
Print: BRUCE S. KAUFMAN

[Signature]
DORIS C. GIBBS

Sign: [Signature]
Print: CAROL A. BROWN

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me this 26th day of July, 2002, by DORIS C. GIBBS, a single person, who

() is personally known to me or
(X) produced [Signature] LICENSE as 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)

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)

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

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

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the

floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation*. Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for pest elimination on the *premises*.

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple *occupancy*, a

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-276

JEFFERY E RIVERS ETAL,

Respondent.

Property Address: 98 Stone Gate Ln

Parcel ID: 6308-02-00-0980

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 98 Stone Gate Ln, Port Orange, Florida 32129, is owned by Jeffery E Rivers Etal.
4. That 98 Stone Gate Ln, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 98 Stone Gate Ln, Port Orange, Florida 32129, at 12:53 p.m. on the 9th day of April, 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 10th day of April, 2015.

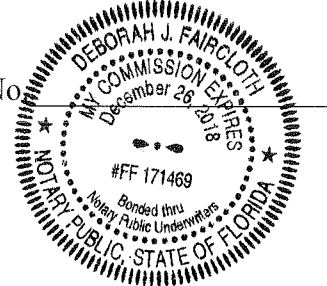
Amanda Bonin
Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of April, 2015, by Amanda Bonin, who is personally known to me.

Deborah J. Faircloth
Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-276**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Jeffrey E Rivers Etal
98 Stone Gate Lane
Port Orange, FL 32129
6308 [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 27, 2015, 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, Jeffrey E Rivers Etal, whose mailing address is 98 Stone Gate Lane, Port Orange, FL 32129, is the owner of the property located at 98 Stone Gate Lane, Port Orange, FL 32129, and more particularly described as:

LOT 98 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 4907 PG 1416

B. There is outside storage, trash, debris located at the property as well as high weeds and grass. This condition was first observed at the real property described above on March 4, 2015; re-inspections made on April 28, 2015 and May 15, 2015 confirmed the condition as being the same. Respondent, Jeffrey E Rivers Etal, received notice via certified mail and posted at City Hall on April 14, 2015. Additionally, the notice was posted at the property on April 9, 2015. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited and Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc., and was to be corrected by April 24, 2015.

C. At the time of the hearing on May 27, 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, Jeffrey E Rivers Etal, by reason of the foregoing, have violated Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited and Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. In that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn and the outside storage and trash, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

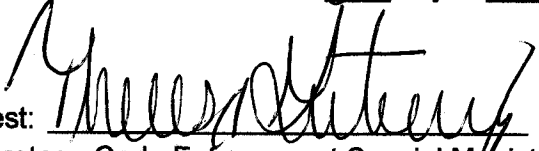
ORDER:

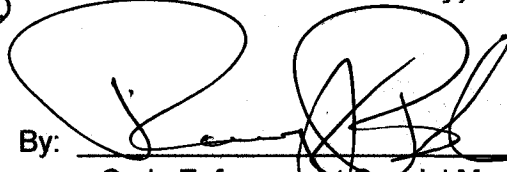
A. Respondent shall correct the aforesaid violation by mowing and maintaining the lawn, removing or properly storing all outside storage, and removing all trash and debris on site on or before June 10, 2015. In the event that the property is not brought into compliance on or before June 10, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 10, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 10, 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 respondents 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.

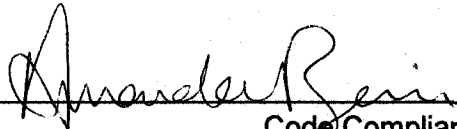
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent 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 27 day of May, 2015

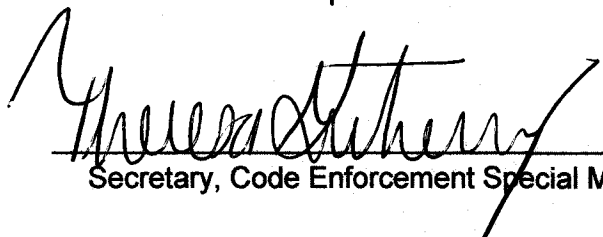
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent Jeffrey E. Rivers Etal, 98 Stone Gate Circle, Port Orange, FL 32129 by Certified and Regular Mail this 28 day of May, 2016


Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-513

Name	Activity	Activity_Date	Status	Cost
Valerie Potter	Mailing Notice of Violation/Notice of Hearing to 299 Morningside Avenue, Daytona Beach, FL 32118	04/14/2015	Certified Mail returned to City Clerk's Office marked "Unable to Forward" on 5/7/15.	\$6.90
Valerie Potter	Mailing Finding of Fact/Conclusion of Law & Order to 299 Morningside Avenue, Daytona Beach, FL 32118	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$27.00
Valerie Potter	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 299 Morningside Avenue, Daytona Beach, FL 32118	07/08/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	07/08/2015		\$44.00

Total: \$85.56



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-513

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

Re: 176 Iron Gate Ln
Port Orange, FL 32129
Parcel ID: 6308-02-00-1760
LEGAL DESCRIPTION: LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG2347

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 31, 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 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

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

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

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

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

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 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2)

On March 31, 2015, I observed high weeds and grass along with trash and debris on the property. I noticed damaged flooring which has also fallen through from looking at the underside of the mobile home unit and from the opened door. The home is unsecured. This home is abandoned and from what neighbors have stated kids are coming into the home. To correct the violations, the entire property needs to be mowed, all high weeds and grass trimmed, and all garbage needs to be removed from the property, all doors and windows must be repaired, operable, and secured, the flooring needs to be repaired, it appears as though there are some type of rodent feces in the home that needs to be cleaned up. The abandoned, unlicensed, inoperable car in the driveway needs to be removed from the property.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) **must be corrected by May 8, 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 27, 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 \$ 6.90 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 27, 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 8, 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 9th day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

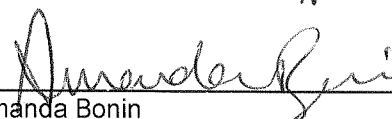
By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Valerie Potter 176 Iron Gate Circle Port Orange, FL 32129, was

- ☐ Hand-delivered
☒ Posted at the property

Time: approx. 12:58 pm

this 9th day of April, 2015.


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Valerie Potter 299 Morningside Avenue Daytona Beach, FL 32118, was

- ☒ Posted at City Hall
☒ Sent via certified

this 14th day of April, 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: 04-07-2015 Today's Date: 4-9-2015		Volusia County Property Appraiser's Office		
		<u>Property Record Card (PRC)</u> Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		
Full Parcel ID	08-16-33-02-00-1760	Mill Group	402 Port Orange	
Short Parcel ID	6308-02-00-1760			
Alternate Key	3600614	2014 Final Millage Rate	21.15960	
Parcel Status	Active Parcel	PC Code	02	
Date Created	31 DEC 1981			
Owner Name	POTTER VALERIE		GO TO ADD'L OWNERS	
Owner Name/Address 1				
Owner Address 2	299 MORNINGSIDE AVE			
Owner Address 3	DAYTONA BEACH FL			
Owner Zip Code	321183317			
Owner Percentage	100	Ownership Type		
Location Address	176 IRON GATE CIR PORT ORANGE 32129			

LEGAL DESCRIPTION

LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG

2347

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3764	2347	8/1992	Personal Representative	Unqualified Sale	Yes	100
2	2666	0173	3/1985	Warranty Deed	Unqualified Sale	Yes	100
3	2507	1507	11/1983	Quit Claim Deed	Multi parcel 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	4,820	11,161	0	15,981	15,981	15,981	15,981	0	15,981	15,981	0	15,981
2013	4,820	10,242	0	15,062	15,062	15,062	15,062	0	15,062	15,062	0	15,062

10-50
10-70

BOOK PAGE
3764 2347
VOLUSIA CO. FL

IN THE CIRCUIT COURT FOR
VOLUSIA COUNTY, FLORIDA
PROBATE DIVISION

IN RE: ESTATE OF

File Number 92-10742 PRDL

EDWARD WALTER SCHAUB GREENE,
a/k/a EDWARD S. GREENE,
a/k/a EDWARD GREENE,

Division D

Deceased

PERSONAL REPRESENTATIVE'S RELEASE OF REAL PROPERTY

The undersigned Personal Representative hereby acknowledges that title to the real property located in VOLUSIA County, Florida, owned by the above decedent at the time of death described as follows:

Lot 176, Twin Gates Mobile Estates, according to map or plat thereof recorded in Map Book 33, page 48, Public Records of Volusia County, Florida. TOGETHER with 1972 Flamingo mobile home, bearing identification number 1403945, which is located thereon.

PROPERTY APPRAISER'S PARCEL IDENTIFICATION NO. 6308-02-00-1760

The property vested in VALERIE POTTER-ALBERT, a/k/a VALERIE POTTER (the "Beneficiary") by operation of law, subject to rights of the Personal Representative under Sections 733.607 and 733.608 of the Florida Probate Code to take possession of the Property, or to use, sell, encumber or otherwise exercise control over the Property (1) for the payment of devises, debts, family allowance, estate and inheritance taxes, claims, charges, and expenses of administration, (2) to enforce contribution and equalize advancement, or (3) for distribution.

Having determined that the Property is not needed for any of the foregoing purposes, except distribution, and that the Property should

FILED FOR RECORD
RECORD VERIFIED

108062

[Signature]
CLERK OF THE CIRCUIT
COURT VOLUSIA CTY., FL.

92 AUG 11 PM 1:46

RECEIVED \$ 10.50 RECORD PAYMENT AS
DOCT \$.70 INDICATED FOR CLASS
INTAX \$ _____ "C" INTANGIBLE & DOC
PENALTY \$ _____ STAMP TAXES SIGNED
INTEREST \$ _____
[Signature]
Clerk Circuit Court Volusia Co. Florida

be released and distributed to the Beneficiary or Beneficiaries, the Personal Representative hereby releases the Property from all rights and powers of the Personal Representative and acknowledges that the Property is vested in VALERIE POTTER-ALBERT, a/k/a VALERIE POTTER, free of all rights of the Personal Representative.

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief.

Signed this 10th day of August, 1992.

Executed in the presence of:

Helen M. Berendt
HELEN M. BERENDT, Witness

Mary Ann Ballard
MARY ANN BALLARD, Witness

Nicholas A. George
NICHOLAS A. GEORGE
As Personal Representative of
The Estate of EDWARD WALTER SCHAUB
GREENE, a/k/a EDWARD S. GREENE,
a/k/a EDWARD GREENE, Deceased.

State of FLORIDA
County of VOLUSIA

I hereby certify that the foregoing instrument was acknowledged before me, under oath, this 10th day of August, 1992, by NICHOLAS A. GEORGE, as Personal Representative of the estate of EDWARD WALTER SCHAUB GREENE, a/k/a EDWARD S. GREENE, a/k/a EDWARD GREENE, deceased and who is personally known to me.

Cathy S. Miller
Notary Public

This Instrument Was Prepared By:

GARY L. BALLARD
500 North Oleander Avenue
Daytona Beach, FL 32118



CATHY S. MILLER
MY COMMISSION # CC 175412 EXPIRES
February 15, 1998
BONDED THRU TROY FARM INSURANCE, INC.

BOOK PAGE
3764 2348
VOLUSIA CO FL

108062

[A] **107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] **107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] **107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] **108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] **108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] **108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

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

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

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

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

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

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

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

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

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

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

SECTION 109 EMERGENCY MEASURES

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

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

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

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

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

SECTION 302 EXTERIOR PROPERTY AREAS

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

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

Exception: *Approved* retention areas and reservoirs.

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

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

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

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

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

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

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

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

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

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

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

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or 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

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. 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)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-513

VALERIE POTTER,

Respondent.

Property Address: 176 Iron Gate Circle
Port Orange, FL 32129

Parcel ID: 6308-02-00-1760

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

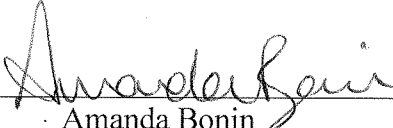
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 176 Iron Gate Circle, Port Orange, Florida 32129, is owned by Valerie Potter.
4. That 176 Iron Gate Circle, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 176 Iron Gate Circle, Port Orange, Florida 32129, at 12:58 p.m. on the 9th day of April, 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 10th day of April, 2015.

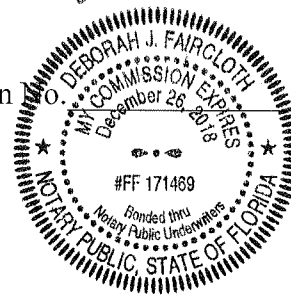

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of April, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-513**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Valerie Potter
176 Iron Gate Lane
Port Orange, FL 32129
6308 [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 March 27, 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), Valerie Potter, whose mailing address is 299 Morningside Avenue, Daytona Beach, FL 32118, is/are the owner(s) of the property located at 176 Iron Gate Lane, Port Orange, FL 32129, and more particularly described as:

LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG
2347

B. There are high weeds and grass along with trash and debris on the property. There also is a damaged flooring which has also fallen through from looking at the underside of the mobile home unit and from the opened door. The home is unsecured and abandoned. This condition was first observed at the real property described above on March 31, 2015; re-inspections made on May 12, 2015 and May 22, 2015 confirmed the condition as being the same. Respondent(s), Valerie Potter, received notice via certified mail and posted City Hall on April 14, 2015. Additionally, the property was posted on April 9, 2015. The aforesaid conditions constituted a violation of Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous

Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, 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, and Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2), and was to be corrected by May 8, 2015.

C. At the time of the hearing on May 27, 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), Valerie Potter, by reason of the foregoing, has/have violated Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, 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, and Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of

high weeds and grass, trash and debris, and the damaged floor, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property, removing all trash and debris, removing the abandoned inoperable and unlicensed vehicle, obtain a permit to repair the home and or secure the property on or before June 10, 2015. In the event that the property is not brought into compliance on or before June 10, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 10, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 10, 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 \$40.86 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 27 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), Valerie Potter, 299 Morningside Avenue, Daytona Beach, FL 32118 by Certified and Regular Mail this 28 day of May, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-270

Name	Activity	Activity_Date	Status	Cost
Milton Jesus Corchado	Mailing Notice of Violation/Notice of Hearing to 5278 Plantation Home Way, Port Orange, FL 32128	04/23/2015	Certified Mail Returned to City Clerk's Office marked "Not Deliverable as Addressed" on 4/26/15.	\$6.69
Milton Jesus Corchado	Mailing Finding of Fact/Conclusion of Law & Order to 5278 Plantation Home Way, Port Orange, FL 32128	05/27/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015		\$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. 15-270

To:
Milton Jesus Corchado
5278 Plantation Home Way
Port Orange, FL 32128

Re: 5278 Plantation Home Way
Port Orange, FL 32128

Parcel ID: 6213-07-00-2280

LEGAL DESCRIPTION:

LOT 228 PORT ORANGE PLANTATION PHASE III MB 54 PGS 117-120 I
NC EXC 100 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304
PG 4522 PER OR 6340 PG 2450 PER OR 6564 PGS 0818-0824 INC P
ER OR 6596 PG 2388

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 3, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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 and (f) Garbage, waste, trash, etc., prohibited.

Inspected this property on March 3, 2015, to find that the yard is overgrown and needs to be mowed and maintained and all trash and debris needs to be removed from the property.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **April 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 27, 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 27, 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 8, 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 18th day of April, 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 Milton Jesus Corchado 5278 Plantation Home Way, Port Orange, FL 32128, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:45 pm

this 18th day of April, 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 Milton Jesus Corchado 5278 Plantation Home Way, Port Orange, FL 32128, was

☒ Posted at City Hall

☐ Sent via certified

this 23rd 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.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County 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: 04-14-2015 Today's Date: 4-18-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A:S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		13-16-32-07-00-2280 6213-07-00-2280	Mill Group		402 Port Orange
Alternate Key		6812535	2014 Final Millage Rate		21.15960
Parcel Status		Active Parcel	PC Code		01
Date Created		21 JUN 2007			
Owner Name		CORCHADO MILTON JESUS			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		5278 PLANTATION HOME WAY			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32128			
Owner Percentage		100	Ownership Type		
Location Address		5278 PLANTATION HOME WAY PORT ORANGE 32128			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 228 PORT ORANGE PLANTATION PHASE III MB 54 PGS 117-120 I	
NC EXC 100 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6596	2388	5/2011	Warranty Deed	Qualified Sale	Yes	235,000
2	6564	0818	2/2011	Warranty Deed	Qualified Sale	No	25,000
3	6340	2450	9/2008	Warranty Deed	Multi parcel sale		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	20,520	186,491	0	207,011	186,755	186,755	186,755	25,000	161,755	161,755	25,000	136,755
2013	20,520	163,475	0	183,995	183,995	183,995	183,995	25,000	158,995	158,995	25,000	133,995

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

LEGAL DESCRIPTION
LOT 228 PORT ORANGE PLANTATION PHASE III MB 54 PGS 117-120 I
NC EXC 100 PC SUBSURFACE RTS PER OR 6289 PG 1251 PER OR 6304
PG 4522 PER OR 6340 PG 2450 PER OR 6564 PGS 0818-0824 INC P
ER OR 6596 PG 2388

Prepared By and Return To:
M Seabaugh
DHI Title of Florida, Inc.
9456 W. Philips Highway, Suite #1
Jacksonville, Florida 32256

05/27/2011 09:04 AM
Doc stamps 1645.00
(Transfer Amt \$ 235000)
Instrument# 2011-088349 # 1
Book : 6596
Page : 2388
Diane M. Matousek
Volusia County, Clerk of Court

File No. 120-110100223-074

Property Appraiser's Parcel I.D. (folio) Number(s)
[REDACTED]

Sales Price: \$ 235,000.00

Documentary Stamps: \$ 1,645.00

SPECIAL CORPORATE WARRANTY DEED

THIS SPECIAL CORPORATE WARRANTY DEED is made this 23rd day of May, 2011, by D.R. Horton, Inc.- Jacksonville, a Delaware Corporation, hereinafter called Grantor, and whose address is 9456 Philips Highway, Suite 1, Jacksonville, Florida 32256, to Milton Jesus Corchado, an unmarried man, hereinafter called Grantee and whose address is [REDACTED] Plantation Home Way, Port Orange, FL 32128.

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

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars and other valuable considerations, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to said Grantee, the following described land situated, lying and being in the COUNTY OF VOLUSIA, STATE OF FLORIDA, to wit:

Lot 228, of PORT ORANGE PLANTATION PHASE 3, according to the Plat thereof, as recorded in Plat Book 54, at Page 117 the Public Records of Volusia County, Florida.

5278 Plantation Home Way, Port Orange, FL 32128

SUBJECT TO Covenants, Conditions, Restrictions, Reservations, Limitations, Easements and Agreements of Record, if any.

SUBJECT TO taxes accruing subsequent to December 31, 2010.

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

AND the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims arising by and through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed in its name by its duly authorized officer(s) and caused its corporate seal to be hereto affixed the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Signature


Witness Printed Signature


Witness Signature


Witness Printed Signature

D.R. Horton, Inc. - Jacksonville, a Delaware Corporation by:


Patti C. Starr, Assistant Secretary

STATE OF Florida

COUNTY OF Duval

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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-270

MILTON JESUS CORCHADO,

Respondent.

Property Address: 5278 Plantation Home Way
Port Orange, FL 32128

Parcel ID: 6213-07-00-2280

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 5278 Plantation Home Way, Port Orange, Florida 32128, is owned by Milton Jesus Corchado.
4. That 5278 Plantation Home Way, Port Orange, Florida 32128 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 5278 Plantation Home Way, Port Orange, Florida 32128, at 3:45 p.m. on the 18th day of April, 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 21st day of April, 2015.

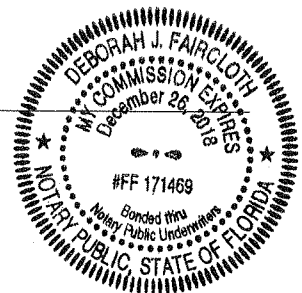

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 21st day of April, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

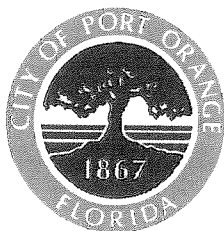


Case Cost Sheet Log

Case No. 15-464

Name	Activity	Activity_Date	Status	Cost
Michael Viala	Mailing Notice of Violation/Notice of Hearing to 49 Elda Lane, Port Orange, FL 32127	04/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 5/14/15.	\$6.48
Michael Viala	Mailing Finding of Fact/Conclusion of Law & Order to 49 Elda Lane, Port Orange, FL 32127	05/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on June 29, 2015.	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015	BK: 7122 PG: 401	\$27.00
Michael Viala	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	07/08/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	07/08/2015		\$44.00

Total: \$85.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-464

To: Michael Viala
49 Elda Lane
Port Orange, FL 32127

Re: 49 Elda Ln
Port Orange, FL 32127
Parcel ID: 6315-08-00-0490

LEGAL DESCRIPTION: LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PER OR 4328 PG 4798.
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **March 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 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

On March 23, 2015 I observed that the lawn was not being mowed and was very high. I contacted the owner Michael Viala and notified him of the violation. Mr. Viala was given five days for compliance. A re-inspection was conducted on April 13, 2015 to find the property in the same condition. To correct the violation, the entire property needs to be mowed and all high weeds trimmed.

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 4, 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 27, 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 \$ 6.48 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 27, 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 8, 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 22 day of April, 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 Michael Viala, 49 Elda Ln, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:59 p.m.

this 22 day of April, 2015.

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 Michael Viala, 49 Elda Ln, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified

this 27 day of April, 2015.

Theresa Stuber
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: 04-21-2015 Today's Date: 4-21-2015		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	15-16-33-08-00-0490	Mill Group	402 Port Orange		
Short Parcel ID	6315-08-00-0490				
Alternate Key	3638433	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	31 DEC 1981				
Owner Name	VIALA MICHAEL		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	49 ELDA LANE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	49 ELDA LN PORT ORANGE 32127				

LEGAL DESCRIPTION
LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PE
R OR 4328 PG 4798

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4328	4798	7/1998	Warranty Deed	Unqualified Sale	Yes	100
2	3014	1692	7/1987	Warranty Deed	MH not assessed	Yes	32,000
3	2957	0012	3/1987	Warranty Deed	MH not assessed	Yes	28,500

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	8,250	14,295	0	22,545	19,113	19,113	19,113	19,113	0	0	0	0

Prepared By:

PROFESSIONAL TITLE AGENCY, INC.

2763 S. RIDGEWOOD AVENUE, SUITE C SOUTH DAYTONA, FL 32119

incidental to the issuance of a title insurance policy.

File No.: **0463*P6929**

Parcel ID # **6315-08-00-0400**

Grantee(s) SS # **[REDACTED]**

07/22/1998 09:35

Doc stamps 0.70

(Transfer Amt \$ 10)

Instrument # 98135102

Book: 4328

Page: 4798

Diane M. Matousek

Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated **July 14, 1998**
by
Letitia Newman, a single woman.

whose post office address is

49 Elda Lane, Port Orange, Florida 32127

hereinafter called the GRANTOR, to

LETITIA E. NEWMAN and MICHAEL VIALA, as joint tenants with rights of survivorship.

whose post office address is

49 Elda lane, Port Orange, Florida 32127

hereinafter called the GRANTEE:

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

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

Lot 49, SOUTHERN PINES, according to the plat thereof, recorded in Map Book 33, Page 47 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 _____ and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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

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

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

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

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: _____

Print Name: _____

Signature: _____

Print Name: _____

YVONNE S. FERRARA

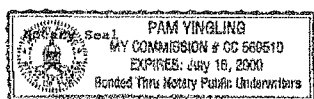
Letitia E. Newman

Letitia newman

**State of Florida
County of Volusia**

I am a notary public of the state of _____ Florida, and my commission expires: _____
THE FOREGOING INSTRUMENT was acknowledged before me on _____ July 14, 1998 by _____

who is personally known to me or who has produced _____ A Driver's License _____ as identification and who _____ take an oath.
(type of identification) (did/did not)



Signature: _____

Print Name: _____

Notary Public

Pam Yingling
Pam Yingling

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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-464**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Michael Viala
49 Elda Lane
Port Orange, FL 32127
6315 [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 27, 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), Michael Viala, whose mailing address is 49 Elda Lane, Port Orange, FL 32127, is/are the owner(s) of the property located at 49 Elda Lane, Port Orange, FL 32127, and more particularly described as:

LOT 49 SOUTHERN PINES SUB MB 33 PG 47 PER OR 3014 PG 1692 PE
R OR 4328 PG 4798

B. There is high weeds and grass located at the property. This condition was first observed at the real property described above on March 23, 2015; re-inspections made on May 6, 2015 and May 21, 2015 confirmed the condition as being the same. Respondent(s), Michael Viala, received notice via certified mail and posted at City Hall on April 27, 2015. Additionally, the property was posted on April 22, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances, and was to be corrected by May 4, 2015.

C. At the time of the hearing on May 27, 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), Michael Viala, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26 (d), 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 high weeds and grass, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by this mowing and maintaining all high weeds and grass on or before June 7, 2015. In the event that the property is not brought into compliance on or before June 7, 2015, and/or not maintained in a state of compliance, a daily fine of \$50 per day will be assessed for each day the property is in violation beyond June 7, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 7, 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 \$40.44 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 27 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), Michael Viala, 49 Elda Lane, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of May, 2015.

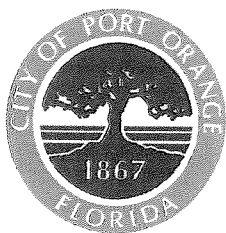
[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-476

Name	Activity	Activity_Date	Status	Cost
Patricia Manos	Mailing Notice of Violation/Notice of Hearing to 226 Pinerock Place, Port Orange, FL 32127	04/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 5/13/15.	\$6.69
Patricia Manos	Mailing Finding of Fact/Conclusion of Law & Order to 226 Pinerock Place, Port Orange, FL 32127	05/27/2015	Certified Mail Returned to the City Clerk's Office marked "Unclaimed" on 6/15/15.	\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/27/2015	BK: 7122 PG: 398	\$27.00
Patricia Manos	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 226 Pinerock Place, Port Orange, FL 32127	07/08/2015		\$0.70
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	07/08/2015		\$44.00

Total: \$85.35



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-476

To: Patricia Manos
226 Pinerock Place
Port Orange, FL 32127

Re: 226 Pinerock Place
Port Orange, FL 32127
Parcel ID: 6322-04-00-0260

LEGAL DESCRIPTION: LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG 4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482
Volusia County Public Records, Volusia County, FL

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

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

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

An inspection of the property was conducted on March 24, 2015. During that inspection I observed the following violation; an overgrown lawn, an unregistered vehicle in the driveway, and items stored in front of the home that are viewable from the adjacent property. I left a five day door hanger for compliance. A re-inspection was conducted on April 6, 2015 showing no compliance. To correct the violations, the entire property needs to be mowed and all high weeds trimmed, the unregistered vehicle must be properly registered, covered with an approved car cover or removed from the property and all outdoor stored items removed or properly stored.

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 **May 8, 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 Magistrate **May 27, 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 \$ 6,691 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 27, 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 8, 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 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 23rd day of April, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Michael & Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 11:20 AM

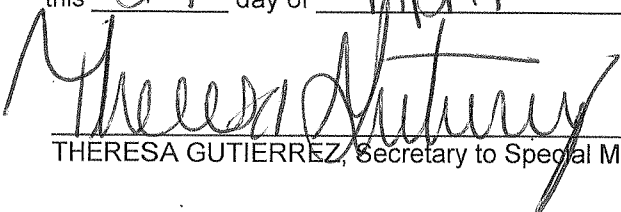
this 23rd day of April, 2015.

J. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Michael & Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

- ☒ Posted at City Hall
☒ Sent via certified

this 27 day of April, 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.



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: 04-21-2015 Today's Date: 4-22-2015		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		22-16-33-04-00-0260 6322-04-00-0260		Mill Group 402 Port Orange	
Alternate Key		3664124		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		MANOS PATRICIA		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		226 PINEROCK PL			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type Estate	
Location Address		226 PINEROCK PL PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG

4693 PER OR 5610 PG 2206 PER OR 5988 PGS 0481-0482

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5988	0481	12/2006	Warranty Deed	Qualified Sale	Yes	155,000
2	5610	2204	5/2005	Death Certificate	Unqualified Sale	Yes	100
3	4023	4693	7/1995	Warranty Deed	Qualified Sale	Yes	69,900

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	16,317	58,516	0	74,833	72,069	72,069	72,069	25,500	46,569	46,569	22,069	24,500
2013	16,317	57,131	0	73,448	71,004	71,004	71,004	25,500	45,504	45,504	21,004	24,500

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
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Prepared By and Returned To:
Kathi A. Noll
Watson Title Services, Inc.
1435 West S.R. 434, Suite 109
Longwood, FL 32750
(407) 645-1310

File Number: **263945**

Incident to the issuance of a title insurance contract.

01/10/2007 03:24 PM
Doc stamps 1085.00
(Transfer Amt \$ 155000)
Instrument# [REDACTED] # 1
Book: 5988
Page: 481

This Warranty Deed

Made this **27th day of December, 2006** by
GLADYS I. LENIHAN, A SINGLE WOMAN

hereinafter called the grantor, to
**PATRICIA MANOS AND MICHAEL MANOS, JR., WIFE
AND HUSBAND**

whose post office address is:
**226 PINEROCK PLACE
PORT ORANGE, FL 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 **\$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 26, LEISURE VILLAS SUBDIVISION, UNIT II, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN MAP BOOK 34, PAGE 76, OF THE PUBLIC RECORDS OF VOLUSIA
COUNTY, FLORIDA.**

Subject to covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 632204000260

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, 2006**.

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:

Instrument# 2007-007394 # 2
Book: 5988
Page: 482
Diane M. Matousek
Volusia County, Clerk of Court

Janet Fuller
Witness #1: (Signature)
Print Name: Janet Fuller

[Signature]
Witness #2: (Signature)
Print Name: [Signature]

Gladys I. Lenihan
GLADYS I. LENIHAN
C/O 3001 LORELI LANE
LAWRENCEVILLE, GA 30044

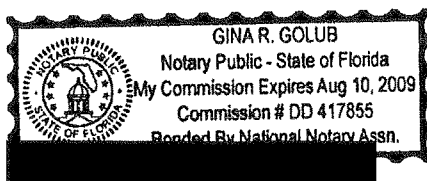
Witness: (Signature)
Print Name: _____

Witness: (Signature)
Print Name: _____

State of Florida
County of VOLUSIA

The foregoing instrument was acknowledged before me this 27th day of December, 2006, by
GLADYS I. LENIHAN, A SINGLE WOMAN,
who is personally known to me or who has produced **A VALID PHOTO ID** as identification.

[Signature]
NOTARY PUBLIC (signature)
Print Name: _____
My Commission Expires: **GINA R. GOLUB**
Stamp/Seal: 8/10/09



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)

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.

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)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-476**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Patricia Manos
226 Pinerock Place
Port Orange, FL 32127
6322 [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 27, 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), Patricia Manos, whose mailing address is 226 Pinerock Place, Port Orange, FL 32127, is/are the owner(s) of the property located at 226 Pinerock Place, Port Orange, FL 32127, and more particularly described as:

LOT 26 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 4023 PG
4693 PER OR 5610 PG 2206 PER OR 5988 PGS [REDACTED]

B. There is an overgrown lawn, an unregistered vehicle in the driveway, and items stored in the front of the home that are viewable from the adjacent property. This condition was first observed at the real property described above on March 24, 2015; re-inspections made on May 19, 2015 and May 25, 2015 confirmed the condition as being the same. Respondent(s), Patricia Manos, received notice via certified mail and posted at City Hall on April 27, 2015. Additionally, the notice was also posted at the property on April 23, 2015. The aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances, and was to be corrected by May 8, 2015.

C. At the time of the hearing on May 27, 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), Patricia Manos, by reason of the foregoing, has/have violated Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances, and Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, unregistered vehicle, and outside storage, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and trimming all high weeds and grass and removing all outside stored items. Also, the unregistered vehicle must be properly registered, covered with an approved car cover or removed from the property on or before June 7, 2015. In the event that the property is not brought into compliance on or before June 7, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond June 7, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by June 7, 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 27 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), Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of May, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate