AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, October 14, 2015
Type of Meeting: Regular

Time: 9:00 AM

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1448
   Respondent: George Wayne Haller & Martha Scanlon Haller
   Address of Violation: 725 Herbert Street, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 09/09/2015

   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.

4. **CEB Case No.:** 15-1221
   Respondent: Kenneth S. Brantley
   Address of Violation: 4655 Hidden Lake Drive, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 08/24/2015

   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 of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 15-1290
   Respondent: Seafood at Port Orange, Inc.
   Address of Violation: 617 Lemon Street, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 09/02/2015

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), (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances.

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

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other property improvements; maintenance criteria, (d) Trash, Litter and Debris of the City of Port Orange Land Development Code.

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.

6. **CEB Case No.:** 15-1395
   Respondent: Patricia Manos
   Address of Violation: 226 Pinerock Place, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 09/04/2015

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) of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-520
   Respondent: Jessica Lynn Lincicome
   Address of Violation: 9 Raintree Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 08/24/2015

Compliance: No

Cited for violation(s) - Chapter 70, (Traffic), Article II, (Stopping, standing or parking), Section 70-36, (Stopping, standing or parking prohibited in specified places) (a), (1) (k) (1), (2), (3) of the City of Port Orange Code of Ordinances.

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

8. **CEB Case No.:** 15-1353
   Respondent: Akram Batniji
   Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129
   Code Officer: Scott Allman
   First Notified: 09/08/2015

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

C. ORDER IMPOSING FINE/LIEN

9. **CEB Case No.:** 15-1017
   Respondent: Joseph A. Adamo Sr.
   Address of Violation: 120 Aloha Terrace
   Code Officer: Deborah Faircloth
   First Notified: 08/07/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103, Section (a) 1 & 2 Declaration of a Nuisance It 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.

Case Cost Sheet Log

Case No. 15-1448

Name	Activity	Activity_Date	Status	Cost
George Wayne Haller	Mailing Notice of Violation/Notice to Hearing to 1001 Marie Hill Court SW, Conyers, GA 30094	09/10/2015	Certified Green Card Signed on 9/14/15 and Returned to City Clerk's Office.	$6.95
Martha Scanlon Haller	Mailing Notice of Violation/Notice to Hearing to 1001 Marie Hill Court SW, Conyers, GA 30094	09/10/2015	Certified Green Card Signed on 9/14/15 and Returned to City Clerk's Office.	$6.95
George Wayne Haller	Mailing Finding of Fact/Conclusion of Law & Order to 1001 Marie Hill Court SW, Conyers, GA 30094	10/14/2015		$7.21
Martha Scanlon Haller	Mailing Finding of Fact/Conclusion of Law & Order to 1001 Marie Hill Court SW, Conyers, GA 30094	10/14/2015		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015		$27.00

Total: $55.32

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1448

To: George Wayne Haller & Martha Haller Scanlon
Property Owners
1001 Marie Hill Court SW
Conyers, GA 30094

Re: 725 Herbert Street
Port Orange, FL 32129
Parcel ID: 6337-01-19-0080
LEGAL DESCRIPTION: E 103.44 FT OF W 2410.14 FT OF S 351.6 FT ON E/L OF SUGAR HOUSE RESERVATION N OF NEW RD DUNLAWTON PER OR 7083 PG 3086

Volusia County Public Records
Volusia County, FL

n inspection of the premises on **August 19, 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: 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 at a height not exceeding 10 inches.

While in the area, I noticed that the property at this location is not being maintained. The grass height exceeds 3 feet in areas. It appears that the home may be vacant. I left a 10 day door hanger asking the residents to mow and maintain the property. A re-inspection was conducted on September 8, 2015 and the property remains in non-compliance. Due to the extreme height of the grass, the case is to be considered a health and safety issue due to the possible harboring of rodents, snakes, insects, etc.

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 **September 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 hether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 14, 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

In the event the **Special Magistrate**, during the hearing on **October 14, 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 **Special Magistrate** on **December 9, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 9th day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **George Wayne Haller & Martha Haller Scanlon, Property Owners, 1001 Marie Hill Court SW, Conyers, A 30094**, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property Posting Location: 725 Herbert Street, Port Orange, FL 32129

Time: approx. 12:08 PM

this 9th day of September, 2015.

Dena Joseph

Dena Joseph

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **George Wayne Haller & Martha Haller Scanlon, Property Owners, 1001 Marie Hill Court SW, Conyers, GA 30094**, was

☐ Posted at City Hall

☒ Sent via certified

this 10 day of September, 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 FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr. M.A., A.S.A., C.F.A.

Parcel Information: 6337-01-19-0080 2015 Preliminary Tax Roll Last Updated: 09-06-2015

Owner Name and Address

Alternate Key	3678851	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6337-01-19-0080	**Mill Group**	402 Port Orange
Full Parcel ID	37-16-33-01-19-0080	**2014 Final Mill Rate**	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Tenancy in Common	**Ownership Percent**	50
Owner Name	HALLER GEORGE WAYNE &		
Owner Name/Address 1			
Owner Address 2	1001 MARIE HILL CT SW		
Owner Address 3	CONYERS GA		
Owner Zip Code	30094		
Situs Address	725 HERBERT ST PORT ORANGE 32129		

Additional Owners

Ownership Type	Tenancy in Common	**Ownership Percent**	50.00
Additional Owner Name	SCANLON MARTHA HALLER &		

Legal Description

E 103.44 FT OF W 2410.14 FT OF S 351.6 FT ON E/L OF SUGAR HOUSE RESERVATION N OF NEW RD DUNLAWTON PER OR 7083 PG 3086

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7083	3086	02/2015	Order	Unqualified Sale	Yes	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	40,331	88,870	0	129,201	109,951	109,951	26,000	83,951	25,000	58,951
2013	35,443	72,883	0	108,326	108,326	108,326	26,000	82,326	25,000	57,326
2012	39,110	68,125	0	107,235	107,235	107,235	107,235	0	0	0
2011	39,110	68,124	0	107,234	107,053	107,053	26,000	81,053	25,000	56,053
2010	39,110	78,274	0	117,384	105,471	105,471	26,000	79,471	25,000	54,471
2009	48,887	99,421	0	148,308	102,698	102,698	26,000	76,698	25,000	51,698
2008	65,997	95,476	0	161,473	102,595	102,595	26,000	76,595	25,000	76,595
2007	85,553	98,107	0	183,660	99,607	99,607	26,000	73,607	0	73,607
2006	85,552	98,116	0	183,668	97,178	97,178	26,000	71,178	0	71,178
2005	54,998	98,302	0	153,300	94,348	94,348	26,000	68,348	0	68,348
2004	51,942	93,759	0	145,701	91,600	91,600	26,000	65,600	0	65,600
2003	27,499	88,006	0	115,505	89,892	89,892	26,000	63,892	0	63,892
2002	21,388	83,774	0	105,162	87,785	87,785	25,500	62,285	0	62,285
2001	21,388	70,718	0	92,106	86,403	86,403	25,500	60,903	0	60,903
2000	21,388	68,089	0	89,477	83,887	83,887	25,000	58,887	0	58,887
1999	21,388	69,246	0	90,634	81,682	81,682	25,000	56,682	0	56,682
1998	21,388	60,654	0	82,042	80,396	80,396	25,000	55,396	0	55,396
1997	21,388	59,729	0	81,117	79,053	79,053	25,000	54,053	0	54,053
1996	21,388	56,867	421	78,676	73,303	73,303	25,000	48,303	0	48,303
1995	21,388	49,701	427	71,516	71,516	71,516	25,000	46,516	0	46,516
1994	21,388	48,226	433	70,047	70,047	70,047	25,000	45,047	0	45,047
1993	21,388	49,077	439	70,904	70,904	70,904	25,000	45,904	0	45,904
1992	21,388	49,077	445	70,910	70,910	70,910	25,000	45,910	0	45,910
1991	21,388	49,077	451	70,916	70,916	70,916	25,000	45,916	0	45,916
1990	20,166	49,077	458	69,701	69,701	69,701	25,000	44,701	0	44,701
1989	18,333	48,212	464	67,009	67,009	67,009	25,000	42,009	0	42,009
1988	18,333	46,894	470	65,697	65,697	65,697	25,000	40,697	0	40,697

02/16/2015 10:19 AM
Instrument# 2015-026662 # 1
Book: 7083
Page: 3086

IN THE CIRCUIT COURT FOR VOLUSIA COUNTY, FLORIDA
PROBATE DIVISION

IN RE: ESTATE OF

WILBUR G. HALLER aka WILBUR GEORGE HALLER
File No. 2013-11209-PRDL
Division: 10/SMITH

Deceased.

FILED
2015 FEB 16 AM 10:14
CLERK OF THE CIRCUIT & CTY. COURT VOLUSIA CTY. FL DC 49

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

On the petition of George Wayne Haller and Martha Haller Scanlon for an order determining homestead status of real property, all interested persons having been served proper notice of the petition and hearing, or having waived notice thereof, the court finds that:

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

ADJUDGED that the following-described property (the "Property"):

Part of Dunlawton as per map recorded in Deed Book "M", Page 187, public records of Volusia County, Florida, being described as follows: Commencing at the S.E. corner of Henry Johnson's land in Sugar House Reservation, being now the North line of the New Sugar Mill Road (a 50' Street as now laid out and used), thence N. 61 degrees, 24 minutes E. a distance of 479 feet, being measured along the north line of said New Sugar Mill Rd., to the p1ace of beginning; Thence N. 28° 36' W., a distance of 389.96 feet to an iron pipe marking the center line of a 10 ft. wide drainage ditch; Thence S. 63°49' E. along the center line of said 10 ft. wide drainage ditch a distance of 102.91 feet to an iron pipe; Thence N. 51° 53' along the center line of said 10 ft. wide drainage ditch a distance of 40.83 feet; Thence S. 28° 36' East a distance of 312.4 feet to a point in the north line of New Sugar Mill Road; Thence S. 61° 24' W. along the north line of said New Sugar Mill Road a distance of 100 feet to the place of beginning

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Instrument# 2015-026662 # 2
Book: 7083
Page: 3087
Diane M. Matousek
Volusia County, Clerk of Court

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

ADJUDGED FURTHER that title to the Property descended, as of the decedent's date of death, and the constitutional exemption from claims of decedent's creditors inured equally to the following lineal descendants:

NAME	ADDRESS	RELATIONSHIP	SHARE
Martha Haller Scanlon	321 N. East Street Lake Park, GA 31636	Daughter	50% interest in real property described above in Paragraph 4
George Wayne Haller	1001 Marie Hill Court SW Conyers, GA 30094	Son	50% interest in real property described above in Paragraph 4

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

ORDERED on February 16, 2015.

C. McArthur Smith
Circuit Judge

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)

Case Cost Sheet Log

Case No. 15-1221

Name	Activity	Activity_Date	Status	Cost
Kenneth S. Brantley	Mailing Notice of Violation/Notice of Hearing to 4655 Hidden Lake Drive, Port Orange, FL 32129	08/25/2015	Certified Mail not returned to the City Clerk's Office. USPS Tracking Info. indicated it was delivered in Port Orange on August 31, 2015 but no certified green card has been accounted for.	$6.95
Kenneth S. Brantley	Mailing Finding of Fact/Conclusion of Law & Order to 4655 Hidden Lake Drive, Port Orange, FL 32129	10/14/2015		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015		$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. 15-1221

To: Kenneth S. Brantley
Property Owner
4655 Hidden Lake Drive
Port Orange, FL 32129

Re: 4655 Hidden Lake Drive
Port Orange, FL 32129
Parcel ID: 6307-14-00-0630
LEGAL DESCRIPTION: LOT 63 CROSS CREEK PHASE I MB 42 PGS 22-23 INC PER OR 4166 PG 2920 PER OR 5433 PG 0090

Volusia County Public Records
Volusia County, FL

An inspection of the premises on ***July 10, 2015*** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

> *Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) Maintenance of improved residential lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs.*

Property originally inspected on July 10, 2015, after receiving a complaint from the neighbor in regards to the high grass at this location. Inspection revealed that the property is overgrown and must be mowed in its entirety. A five day door hanger was left on site asking that the violation be corrected. A re-inspection was conducted on July 16, 2015 which revealed that the violation had not been corrected. Property remains in violation as of this date. Due to the condition of the lawn and the extreme overgrowth, the property is to be considered a health and safety issue due to the possible harboring of rodents, insects, snakes, etc.

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 **September 3, 2015 by mowing property in its entirety.**

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 on October 14, 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

In the event the **Special Magistrate**, during the hearing on **October 14, 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 **November 11, 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- 5648

DATED this 24th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kenneth S. Brantley, 4655 Hidden Lake Drive, Port Orange, FL 32129, was

☐ Hand-delivered
☒ Posted at the property

this 24th day of August, 2015.

Time: approx. 1:28 pm

Dena Joseph
Dena Joseph

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kenneth S. Brantley, 4655 Hidden Lake Drive, Port Orange, FL 32129, was

☐ Posted at City Hall
☐ Sent via certified

this 25 day of August, 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
FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.

Parcel Information: 6307-14-00-0630 2015 Working Tax Roll Last Updated: 08-23-2015

Owner Name and Address

Alternate Key	5010597	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6307-14-00-0630	**Mill Group**	402 Port Orange
Full Parcel ID	07-16-33-14-00-0630	**2014 Final Mill Rate**	21.15960
Created Date	06 MAY 1988		
Property Class	01 Single Family		
Ownership Type	Estate	**Ownership Percent**	100
Owner Name	BRANTLEY KENNETH S		
Owner Name/Address 1			
Owner Address 2	4655 HIDDEN LAKE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32119		
Situs Address	4655 HIDDEN LAKE DR PORT ORANGE 32129		

Legal Description

LOT 63 CROSS CREEK PHASE I MB 42 PGS 22-23 INC PER OR 4166 PG 2920 PER OR 5433 PG 0090

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5433	0090	11/2004	Warranty Deed	Qualified Sale	Yes	186,400
4166	2920	12/1996	Warranty Deed	Qualified Sale	Yes	106,500
3224	0162	11/1988	Warranty Deed	Qualified Sale	Yes	20,000

History of Values

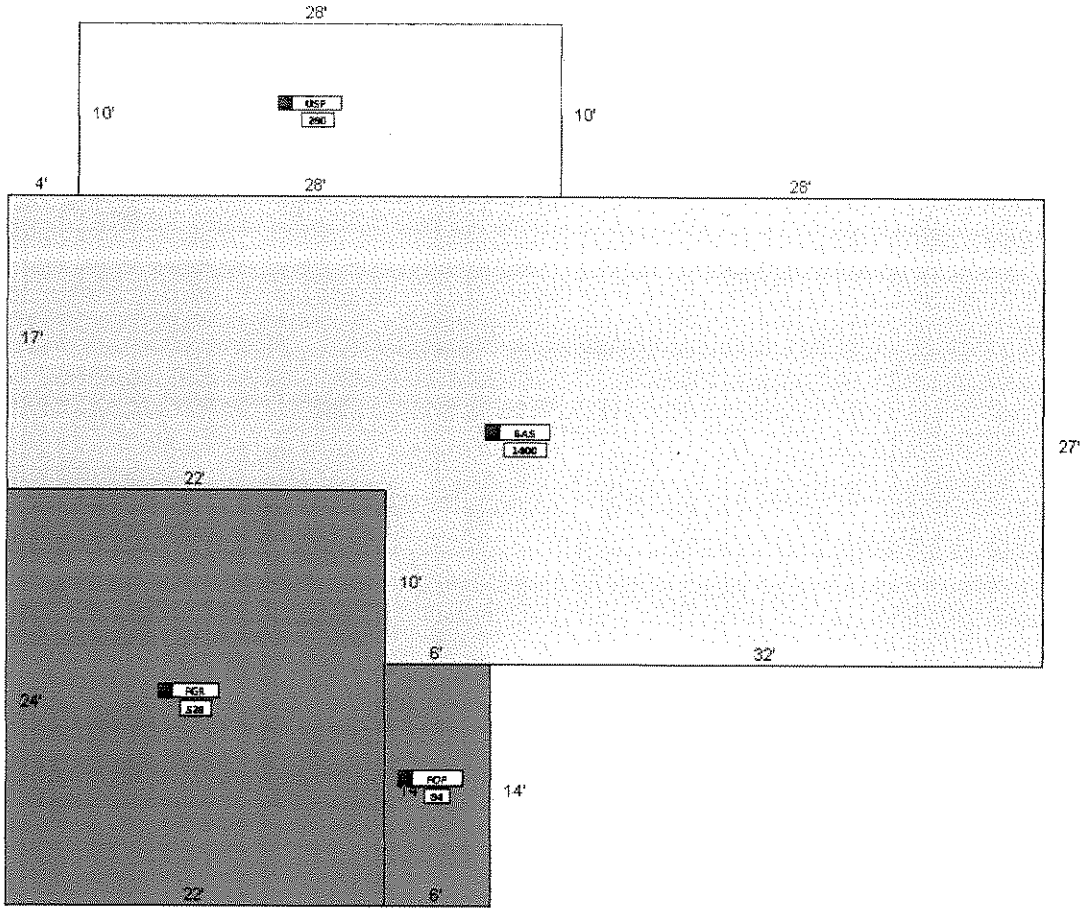
Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	16,800	82,578	9,960	109,338	109,338	109,338	109,338	0	0	0
2013	16,800	81,062	9,946	107,808	107,808	107,808	107,808	0	0	0
2012	16,800	81,176	9,944	107,920	107,920	107,920	107,920	0	0	0
2011	18,000	82,412	9,984	110,396	110,396	110,396	110,396	0	0	0
2010	18,000	86,366	10,855	115,221	115,221	115,221	115,221	0	0	0
2009	18,800	98,428	12,030	129,258	129,258	129,258	129,258	0	0	0
2008	51,200	101,916	12,604	165,720	165,720	165,720	165,720	0	0	0
2007	64,000	119,069	12,113	195,182	195,182	195,182	195,182	0	0	0
2006	64,000	121,881	16,871	202,752	202,752	202,752	202,752	0	0	0
2005	32,000	100,887	13,655	146,542	146,542	146,542	146,542	0	0	0
2004	32,000	83,057	10,764	125,821	95,218	95,218	25,000	70,218	0	70,218
2003	19,200	79,026	9,733	107,959	93,443	93,443	25,000	68,443	0	68,443
2002	19,200	76,633	8,102	103,935	91,253	91,253	25,000	66,253	0	66,253
2001	19,200	63,987	8,480	91,667	89,816	89,816	25,000	64,816	0	64,816
2000	19,200	61,357	8,765	89,322	87,200	87,200	25,000	62,200	0	62,200
1999	19,200	56,658	9,050	84,908	84,908	84,908	25,000	59,908	0	59,908
1998	19,200	55,273	9,427	83,900	83,900	83,900	25,000	58,900	0	58,900
1997	19,200	54,125	9,713	83,038	83,900	83,900	25,000	58,038	0	58,038
1996	19,200	51,206	0	70,406	70,406	70,406	25,000	45,406	0	45,406
1995	19,200	51,612	0	70,812	70,812	70,812	25,000	45,812	0	45,812
1994	19,200	51,364	0	70,564	70,564	70,564	25,000	45,564	0	45,564
1993	19,200	49,721	0	68,921	68,921	68,921	25,000	43,921	0	43,921
1992	18,000	49,721	0	67,721	67,721	67,721	25,000	42,721	0	42,721
1991	18,000	49,721	0	67,721	67,721	67,721	25,000	42,721	0	42,721
1990	17,200	49,721	0	66,921	66,921	66,921	25,000	41,921	0	41,921
1989	17,200	48,274	0	65,474	65,474	65,474	25,000	40,474	0	40,474
1988	5,200	0	0	5,200	5,200	5,200	0	5,200	0	5,200

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	80.0	110.0	80.00	FRONT FEET	210.00	100	100	100	100	16,800
Neighborhood	5882 CROSS CREEK PHASE I & PHASE I						Total Land Classified				0
							Total Land Just				16,800

Building Characteristics

Building Number: 160139 (Building 1 of 1)



Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
160139	Single Family	174	1988	300		17%	0%	0%	2999

Roof Type	GABLE	**Floors**		**Bedrooms**	3	**X Fixture**	0
Roof Cover	ASPHALT SHINGL	**Wall Type**	Drywall	**4 Fixture Bath**	0	**5 Fixture Bath**	0
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**3 Fixture Bath**	2	**6 Fixture Bath**	0
Heat Type2		**Heat Source2**		**2 Fixture Bath**	0	**7 Fixture Bath**	0
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	0	**A/C**	Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1988	N	0%	0%	1400 Sq. Feet
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1996	N	0%	0%	280 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1988	N	0%	0%	528 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1988	N	0%	0%	84 Sq. Feet

Miscellaneous Improvements

Improvement Type	Number of Units	Unit Type	Life	Year In	Grade	Length	Width	Depr. Value
RSP RES SWIM POOL	450	SF	30	1996	3	30	15	10,692
PTO PATIO/CONCSLAB	498	SF	30	1996	3	0	0	671
JZZ JUZ OR SPA	1	UT	30	1996	2	0	0	2,918

Parcel Notes

*89 SFR NC PICKED UP ON HX 3/28/89 WRP/MED 3/30/89
JKC111296 ADDS,PTO02=USP,RSP,PTO,JACUZZI MED122096
JGS011498 CHANGED 98 HX TO 97 E&I IN PROCESS JMS
MORTGAGE LETTER MAILED TO TAXPAYER
DRF012010 1/5 REV.

KENNETH STANLEY BRANTLEY DOD 3-21-14 PER VITAL STAT #2014043371
012015 1/5 REV. DEP=AYB.
012015 1/5 REV. DEP=AYB.

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
96 623	8,500	03-25-1996		ADDITIONS/ALTERATION		1
5293	62,257	11-01-1988	03-01-1989	SFR NC WRP/MED		0
19940302004	0	03-03-1994	12-05-1994	WELL/PUMP/IRRIGATION		0

Total Values

The 2015 Working Taxroll Values are subject to change until the Final Tax Roll.

Land Value	16,800	**New Construction Value**	0
Building Value	96,977	**City Econ Dev/Historic**	0
Miscellaneous	14,281		
Just Value	128,058	**Previous Just Value**	109,338
School Assessed	128,058	**Previous School Assessed**	109,338
Non-School Assessed	128,058	**Previous Non-School Assessed**	109,338
Exemption Value	0	**Previous Exemption Value**	109,338
Additional Exemption Value	0	**Previous Additional Exemption Value**	0
School Taxable	128,058	**Previous School Taxable**	0
Non-School Taxable	128,058	**Previous Non-School Taxable**	0

MapIT | PALMS | Map Kiosk

MapIT: Your basic parcel record search including lot dimensions.

PALMS: Basic parcel record searches with enhanced features.

Map Kiosk: More advanced tools for custom searches on several layers including parcels.

Click Here for Tax Bill Info

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

11/09/2004 10:13 AM
Doc stamps 1304.80
(Transfer Amt $ 186400)
Instrument# 2004-280697
Book: 5433
Page: 90
Diane M. Matousek
Volusia County, Clerk of Court

Jeffrey C. Sweet, Esquire
595 W. Granada Blvd.
Suite A
Ormond Beach, FL 32174

Parcel ID Number: 6307-14-00-0630
Grantee #1 TIN:
Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 4th day of November, 2004 A.D., **Between** Mary E. Beynon, a single person

of the County of Volusia, State of Florida, **grantor,** and Kenneth S. Brantley

whose address is: 4655 Hidden Lake Drive, Port Orange, FL 32119

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

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

Lot 63, Cross Creek, Phase I, according to the map or plat thereof as recorded in Map Book 42, page 22, of the Public Records of Volusia County, Florida.

Subject to taxes for the year 2004 and any subsequent years.

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

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

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

Signed, sealed and delivered in our presence:

Jeffrey C. Sweet
Witness Only

Carolyn A. Dillon
Witness Only

Mary E. Beynon (Seal)
Mary E. Beynon
P.O. Address:

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 4th day of November, 2004 by Mary E. Beynon, a single person

she has produced her driver's license as identification.

Printed Name: Carolyn Ann Dillon
Notary Public
My Commission Expires:

Carolyn Ann Dillon
Commission # DD344361
Expires September 6, 2008
Bonded Troy Fain - Insurance, Inc. 800-385-7019

Laser Generated by © Display Systems, Inc., 2003 (863) 763-5555 Form FLWD-1

Filing # 25166684 E-Filed 03/21/2015 01:13:47 PM

03/23/2015 03:13 PM
Instrument# 2015-051227 # 1
Book: 7096
Page: 4654

NATIONSTAR MORTGAGE LLC,
Plaintiff,

vs.

THE UNKNOWN HEIRS, BENEFICIARIES, DEVISEES, GRANTEES, ASSIGNEES, LIENORS, CREDITORS, TRUSTEES AND ALL OTHERS WHO MAY CLAIM AN INTEREST IN THE ESTATE OF KENNETH S. BRANTLEY A/K/A KENNETH STANLEY BRANTLEY A/K/A KENNETH BRANTLEY, DECEASED; MELISSA S. BRANTLEY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR COUNTRYWIDE HOME LOANS, INC.; ANY AND ALL UNKNOWN PARTIES CLAIMING BY, THROUGH, UNDER, AND AGAINST THE HEREIN NAMED INDIVIDUAL DEFENDANT(S) WHO ARE NOT KNOWN TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN PARTIES MAY CLAIM AN INTEREST AS SPOUSES, HEIRS, DEVISEES, GRANTEES, OR OTHER CLAIMANTS,
Defendants.
_____/

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT IN AND FOR VOLUSIA COUNTY, FLORIDA
GENERAL JURISDICTION DIVISION
CASE NO.:

NOTICE OF LIS PENDENS

TO: THE DEFENDANTS NAMED ABOVE AND ALL OTHERS TO WHOM IT MAY CONCERN:

[redacted]

[redacted] - AsC

$9

2015 30436 CICI

Instrument# 2015-051227 # 2
Book: 7096
Page: 4655
Diane M. Matousek
Volusia County, Clerk of Court

1. YOU ARE HEREBY NOTIFIED of the institution of this action by the Plaintiff against you seeking to foreclose a note and mortgage encumbering the following described real property in **Volusia** County, Florida, in Official Record Book 5591, Page 621.

LOT 63, CROSS CREEEK, PHASE I, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 42, PAGE 22, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

-A/K/A 4655 HIDDEN LAKE DRIVE, PORT ORANGE, FL 32129

Including the buildings and appurtenances located thereon.

Dated this _____ day of MAR 19 2015, 20___.

ROBERTSON, ANSCHUTZ & SCHNEID, P.L.
Attorney for Plaintiff
6409 Congress Ave., Suite 100
Boca Raton, FL 33487
Telephone: 561-241-6901
Facsimile: [redacted]
Service Email: mail@rasflaw.com

By: _____
Sean M. Swartz
FL Bar No. 112209

For Jonathan Meisels, Esquire
Florida Bar No. 29235
Communication Email: j.meisels@rasflaw.com

[redacted] - AsC

Case Cost Sheet Log

Case No. 15-1290

Name	Activity	Activity_Date	Status	Cost
Seafood at Port Orange, Inc.	Notice of Violation/Notice of Hearing	09/02/2015	Hand Delivered to Miguel Rodriquez, Owner on September 2, 2015.	$0.00
Seafood at Port Orange, Inc.	Mailing Finding of Fact/Conclusion of Law & Order to 617 Lemon Street, Port Orange, FL 32127	10/14/2015		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015		$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. 15-1290

To: SEAFOOD AT PORT ORANGE INC
PROPERTY OWNER
617 LEMON STREET
PORT ORANGE, FL 32127

Re: 617 LEMON STREET
PORT ORANGE, FL 32127
Parcel ID: 6303-11-15-0031
LEGAL DESCRIPTION: E 200 FT OF S 100 FT OF LOT 3 BLK O WILSONS PORT ORANGE MB 1 PG 154 PER OR 1885 PG 1398 PER OR 6708 PG 0273 PER OR 7005 PG 0033 PER OR 7005 PG 0034

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **July 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), (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances: The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances: The owner of every lot, piece and parcel of land located within the city shall keep such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other property improvements; maintenance criteria, (d) Trash, Litter and Debris of the City of Port Orange Land Development Code: All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can.

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: 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.

Initial inspection was conducted on **July 24, 2015** after receiving a complaint regarding the overgrown weeds and grass and overall condition of the property. Property inspected on this date and found numerous violations. Weeds, some that are over 3 or 4 feet high, have taken over the entire property. There is trash and debris on site along with an abundance of outside stored items, junk and debris that is hidden in the weeds. Due to the extreme grass height and numerous items and materials which are being stored in the high grass, the case is to be considered a health and safety violation due to the harboring of rodents, snakes, insects, etc.

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 **September 13, 2015** by mowing the entire property and removing ALL outside stored items and materials on site and properly storing the items and removing any trash and debris.

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 October 14, 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.

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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 $ 60.95 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

In the event the **Special Magistrate**, during the hearing on **October 14, 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 December 9, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 2nd day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Dena Joseph, Code Enforcement Officer

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Seafood at Port Orange Inc., Property Owner, 617 Lemon Street, Port Orange, FL 32127**, was

X Hand-delivered Name of Recipient of Notice documents Miguel Rodriguez - Owner

Posted at the property

this 2nd day of September, 2015.

Time: approx. 4:09 PM

_____
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 **Seafood at Port Orange Inc., Property Owner, 617 Lemon Street, 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.

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

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)

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)

Volusia County FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.

Parcel Information: 6303-11-15-0031 2015 Working Tax Roll Last Updated: 08-30-2015

Owner Name and Address

Alternate Key	3578945	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6303-11-15-0031	**Mill Group**	402 Port Orange
Full Parcel ID	03-16-33-11-15-0031	**2014 Final Mill Rate**	21.15960
Created Date	30 DEC 1981		
Property Class	12 Mixed Use - Store & Office or Store & Residential or Residential Combination		
Ownership Type	Fee Simple	**Ownership Percent**	100
Owner Name	SEAFOOD AT PORT ORANGE INC		
Owner Name/Address 1			
Owner Address 2	617 LEMON ST		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	617 LEMON ST PORT ORANGE 32127		

Legal Description

E 200 FT OF S 100 FT OF LOT 3 BLK O WILSONS PORT ORANGE MB 1 PG 154 PER OR 1885 PG 1398 PER OR 6708 PG 0273 PER OR 7005 PG 0033 PER OR 7005 PG 0034

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7005	0034	06/2014	Warranty Deed	Unqualified Sale	Yes	100
7005	0033	06/2014	Warranty Deed	Qualified Sale	Yes	80,000
6708	0273	04/2012	Unknown	Unqualified Sale	Yes	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	25,000	42,259	2,155	69,414	69,414	69,414	0	69,414	0	69,414
2013	25,000	38,378	2,151	65,529	65,529	65,529	0	65,529	0	65,529
2012	25,000	44,974	55	70,029	70,029	70,029	0	70,029	0	70,029
2011	45,000	36,962	55	82,017	82,017	82,017	0	82,017	0	82,017
2010	50,000	44,050	55	94,105	94,105	94,105	0	94,105	0	94,105
2009	65,000	61,241	55	126,296	126,296	126,296	0	126,296	0	126,296
2008	85,000	61,241	55	146,296	146,296	146,296	0	146,296	0	146,296
2007	85,000	62,658	55	147,713	147,713	147,713	0	147,713	0	147,713
2006	85,000	56,050	55	141,105	141,105	141,105	0	141,105	0	141,105
2005	40,000	51,718	46	91,764	91,764	91,764	0	91,764	0	91,764
2004	40,000	48,049	46	88,095	88,095	88,095	0	88,095	0	88,095
2003	40,000	45,770	46	85,816	85,816	85,816	0	85,816	0	85,816
2002	40,000	43,655	46	83,701	83,701	83,701	0	83,701	0	83,701
2001	40,000	42,785	46	82,831	82,831	82,831	0	82,831	0	82,831
2000	32,000	42,111	46	74,157	74,157	74,157	0	74,157	0	74,157
1999	32,000	39,815	46	71,861	71,861	71,861	0	71,861	0	71,861
1998	32,000	39,347	46	71,393	71,393	71,393	0	71,393	0	71,393
1997	32,000	32,451	46	64,497	64,497	64,497	0	64,497	0	64,497
1996	32,000	31,876	46	63,922	63,922	63,922	0	63,922	0	63,922
1995	32,000	31,522	46	63,568	63,568	63,568	0	63,568	0	63,568
1994	32,000	30,329	46	62,375	62,375	62,375	0	62,375	0	62,375
1993	32,000	33,069	46	65,115	65,115	65,115	0	65,115	0	65,115
1992	32,000	33,069	46	65,115	65,115	65,115	0	65,115	0	65,115
1991	30,000	33,069	46	63,115	63,115	63,115	0	63,115	0	63,115
1990	30,000	31,734	44	61,778	61,778	61,778	0	61,778	0	61,778
1989	20,000	30,399	59	50,458	50,458	50,458	0	50,458	0	50,458
1988	20,000	40,695	0	60,695	60,695	60,695	0	60,695	0	60,695
1987	20,000	39,338	0	59,338	59,338	59,338	0	59,338	0	59,338

6/30/2014 08:04 AM Instrument # 2014115392 #1 Book: 7005 Page: 33 Diane M. Matousek, Volusia County Clerk of Court
Doc Stamps $560.00 Transfer Amt $80,000.00

Corporate Warranty Deed

This Indenture, made , June 27, 2014 A.D.
Between
Port Orange Sea Food Company, Incorporated, a Florida corporation whose post office address is: 617 Lemon Street, Port Orange, FL 32127 a corporation existing under the laws of the State of Florida, Grantor and **Seafood at Port Orange, Inc., a Florida Corporation** whose post office address is: 617 Lemon Street, Port Orange, FL 32127, Grantee,

Witnesseth, that the said Grantor, for and in consideration of the sum of Ten and No/100 Dollars ($10.00), to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The Easterly 200 feet of the Southerly 100 feet of Lot 3, Block "O", Wilson's Port Orange, according to the map or plat thereof, as recorded in Map Book 1, Page 154, of the Public Records of Volusia County, Florida.

Subject to taxes for the current year, covenants, restrictions and easements of record, if any.

Parcel Identification Number: **6303-11-15-0031**

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

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Port Orange Sea Food Company, Incorporated, a Florida corporation

Signed and Sealed in Our Presence:

By: William M. Wohlhuter III
William M. Wohlhuter, III
Its President

Witness Print Name: Barbara J Meegan

Witness Print Name: Jeanette

(Corporate Seal)

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this June 27, 2014, by William M. Wohlhuter III, the President of **Port Orange Sea Food Company, Incorporated, a Florida corporation** A corporation existing under the laws of the State of Florida, on behalf of the corporation.

He is personally known to me or has produced a driver's license as identification.

(Seal)
Notary Public
Notary Printed Name: _____

My Commission Expires::

Prepared by:

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

BARBARA J. MEEGAN
Commission # EE 196426
Expires January 29, 2016
Bonded Thru Troy Fain-Insurance 800-385-7019

File Number: 14010

Case Cost Sheet Log

Case No. 15-1395

Name	Activity	Activity_Date	Status	Cost
Patricia Manos	Mailing Notice of Violation/Notice of Hearing to 226 Pinerock Place, Port Orange, FL 32127	09/08/2015	Certified Mail returned to City Clerk's Office marked "Forward Time Exp. Return to Sender - 518 Greenview Lane, Havertown, PA 19083".	$6.95
Patricia Manos	Mailing Finding of Fact/Conclusion of Law & Order to 518 Greenview Lane, Havertown, PA 19083.	10/14/2015		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015		$27.00

Total: $41.16

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. **15-1395**

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 **August 10, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

An inspection of the property was conducted on August 10, 2015. During the inspection, I observed a repeat violation of the above stated ordinance. Case # 15-476 was heard by the Magistrate on May 27, 2015 and a violation was found. See attached Finding of Fact and Affidavit of Non-Compliance. To correct the repeat violation, the entire property needs to be mowed and all high weeds trimmed.

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

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

The burden shall rest upon the 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 October 14, 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

In the event the **Special Magistrate**, during the hearing on **October 14, 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 **December 9, 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 2nd day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: T. Scott Alderman
CODE OFFICER

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

- ☐ Hand-delivered
- X Posted at the property

Time: 10:50 a.m.

this 4th day of September, 2015.

T. Scott Alderman
CODE OFFICER

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127, was

- ☐ Posted at City Hall
- ☐ Sent via certified

this 8 day of September, 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 FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.

Parcel Information: 6322-04-00-0260 2015 Working Tax Roll Last Updated: 08-30-2015

Owner Name and Address

Alternate Key	3664124	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6322-04-00-0260	**Mill Group**	402 Port Orange
Full Parcel ID	22-16-33-04-00-0260	**2014 Final Mill Rate**	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Estate	**Ownership Percent**	100
Owner Name	MANOS PATRICIA		
Owner Name/Address 1			
Owner Address 2	226 PINEROCK PL		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs 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

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5988 0481	12/2006	Warranty Deed	Qualified Sale	Yes	155,000
5610 2204	05/2005	Unknown	Unqualified Sale	Yes	100
4023 4693	07/1995	Warranty Deed	Qualified Sale	Yes	69,900
1912 1268	07/1977	Warranty Deed	Qualified Sale	Yes	32,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	16,317	58,516	0	74,833	72,069	72,069	25,500	46,569	22,069	24,500
2013	16,317	57,131	0	73,448	71,004	71,004	25,500	45,504	21,004	24,500
2012	16,317	53,500	0	69,817	69,817	69,817	25,500	44,317	19,817	24,500
2011	16,317	53,501	0	69,818	69,818	69,818	25,500	44,318	19,818	24,500
2010	16,317	58,307	0	74,624	74,624	74,624	25,500	49,124	24,624	24,500
2009	21,368	65,134	0	86,502	86,502	86,502	25,500	61,002	25,000	36,002
2008	50,505	75,737	0	126,242	126,242	126,242	25,500	100,742	25,000	100,742
2007	55,944	80,346	0	136,290	136,290	136,290	25,500	110,790	0	110,790
2006	50,505	85,810	0	136,315	67,258	67,258	25,500	41,758	0	41,758
2005	45,000	60,494	0	105,494	65,299	65,299	25,000	40,299	0	40,299
2004	21,063	66,723	0	87,786	63,397	63,397	25,000	38,397	0	38,397
2003	11,424	66,344	0	77,768	62,215	62,215	25,000	37,215	0	37,215
2002	11,424	59,796	0	71,220	60,757	60,757	25,000	35,757	0	35,757
2001	11,424	49,620	0	61,044	59,801	59,801	25,000	34,801	0	34,801
2000	11,424	50,797	0	62,221	58,060	58,060	25,000	33,060	0	33,060
1999	11,424	45,240	0	56,664	56,534	56,534	25,000	31,534	0	31,534
1998	11,424	44,220	0	55,644	55,644	55,644	25,000	30,644	0	30,644
1997	11,424	43,697	0	55,121	55,121	55,121	25,000	30,121	0	30,121
1996	11,424	42,386	0	53,810	55,121	55,121	0	53,810	0	53,810
1995	11,424	40,761	0	52,185	46,487	46,487	25,000	21,487	0	21,487
1994	11,424	33,841	0	45,265	45,265	45,265	25,000	20,265	0	20,265
1993	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1992	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1991	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1990	11,424	38,499	0	49,923	49,923	49,923	25,000	24,923	0	24,923
1989	11,424	37,280	0	48,704	48,704	48,704	25,000	23,704	0	23,704
1988	11,424	36,531	0	47,955	47,955	47,955	25,000	22,955	0	22,955
1987	11,424	36,004	0	47,428	47,428	47,428	25,000	22,428	0	22,428

01/10/2007 03:24 PM
Doc stamps 1085.00
(Transfer Amt $ 155000)
Instrument# [redacted] # 1
Book: 5988
Page: 481

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.

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.

Instrument# 2007-007394 # 2
Book: 5988
Page: 482
Diane M. Matousek
Volusia County, Clerk of Court

Signed, sealed and delivered in our presence:

Janet Fuller

Witness #1: (Signature)
Print Name: Janet Fuller

Witness #2: (Signature)
Print Name:

Witness: (Signature)
Print Name:

Witness: (Signature)
Print Name:

Gladys I Lenihan

GLADYS I. LENIHAN
C/O 3001 LORELI LANE
LAWRENCEVILLE, GA 30044

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.

NOTARY PUBLIC (signature)
Print Name:
My Commission Expires: **GINA R. GOLUB**
Stamp/Seal: 8/10/09

GINA R. GOLUB
Notary Public - State of Florida
My Commission Expires Aug 10, 2009
Commission # DD 417855
Bonded By National Notary Assn.

06/01/2015 09:47 AM
Instrument# 2015-097741 # 1
Book: 7122
Page: 398

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.

Instrument# 2015-097741 # 3
Book: 7122
Page: 400
Diane M. Matousek
Volusia County, Clerk of Court

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(s), Patricia Manos, 226 Pinerock Place, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of May, 2015

_____
Secretary, Code Enforcement Special Magistrate

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-476

Patricia Manos
226 Pinerock Pl
Port Orange, FL 32127
6322-04-00-0260

Respondent,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, The undersigned authority personally appeared. J. Scott Allman, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on May 27, 2015, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.

2. That pursuant to the said Order, Respondent was to have taken certain corrective action on or before June 7, 2015.

3. That a re-inspection was performed on June 9, 2015.

4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the property has not been mowed, all garbage and debris has not been removed, an unregistered vehicle remains in the driveway and there are still items being stored in front of the home.

FURTHER AFFIANT SAYETH NOT.

Dated this 11th day of August 2015.

J. Scott Allman
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me

This 11 day of August 2015 by

J. Scott Allman who

is personally known to me.

Notary Public
State of Florida at Large

Notary Public State of Florida
Barbara J Abbate
My Commission EE 884422
Expires 04/26/2017

Commission No. _____

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This ____ day of _____, _____.
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)

Case Cost Sheet Log

Case No. 15-520

Name	Activity	Activity_Date	Status	Cost
Jessica Lynn Lincicome	Mailing Notice of Violation/Notice of Hearing to 9m Raintree Drive, Port Orange, FL 32127	08/25/2015	Certified Green Card Signed and Returned to City Clerk's Office by Jessica L. Lincicome.	$6.95
Jessica Lynn Lincicome	Mailing Finding of Fact/Conclusion of Law & Order to 9 Raintree Drive, Port Orange, FL 32127	10/14/2015		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015	BK: ? PG: ?	$27.00

Total:

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-520

To: Lincicome Jessica Lynn
9 Raintree Dr
Port Orange, FL 32127

Re: 9 Raintree Dr
Port Orange, FL 32127
Parcel ID: 6321-02-00-0090
LEGAL DESCRIPTION: LOT 9 RAINTREE SUB MB 33 PG 190 PER OR 5005 PG 1399 PER OR 5049 PG 4693 PER OR 6857 PG 1837
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 30, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 70, (Traffic), Article II, (Stopping, standing or parking), Section 70-36, (Stopping, standing or parking prohibited in specified places) (a), (1) (k) (1), (2), (3) of the City of Port Orange Code of Ordinances.

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

An inspection of the property was conducted on March 30, 2015. Upon inspection, I observed an unregistered vehicle that was parked on the front yard. Re-inspections were conducted on April 7, 2015, April 15, 2015, May6, 2015 and August 18, 2015 showing that the alleged violation(s) have not been corrected. To correct the violation(s), the disabled/abandoned vehicle must be removed from the front yard and must be properly parked in the driveway, in an enclosed garage or on an approved driveway extension. The disabled/abandoned vehicle must be properly registered, have a valid/current tag, covered with an approved car cover or 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 **September 14, 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 October 14, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 60.95 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

In the event the **Special Magistrate**, during the hearing on **October 14, 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 **December 9, 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 24th day of August, 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 Jessica, Lynn Lincicome, 9 Raintree Dr, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

this 24th day of August, 2015.

Time: approx. 12:10 pm

J. Scott Allman
J. Scott Allman

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jessica, Lynn Lincicome, 9 Raintree Dr, Port Orange, FL 32127, was

☐ Posted at City Hall

☑ Sent via certified

this 25 day of August, 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 FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.

Notice of Proposed Taxes | Estimate of Taxes

Parcel Information: 6321-02-00-0090 2015 Working Tax Roll Last Updated: 08-23-2015

Owner Name and Address

Alternate Key	3657829	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6321-02-00-0090	**Mill Group**	402 Port Orange
Full Parcel ID	21-16-33-02-00-0090	**2014 Final Mill Rate**	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	**Ownership Percent**	100
Owner Name	LINCICOME JESSICA LYNN		
Owner Name/Address 1			
Owner Address 2	9 RAINTREE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	9 RAINTREE DR PORT ORANGE 32127		

Legal Description

LOT 9 RAINTREE SUB MB 33 PG 190 PER OR 5005 PG 1399 PER OR 5049 PG 4693 PER OR 6857 PG 1837

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6857	1837	05/2013	Warranty Deed	Qualified Sale	Yes	96,000
5049	4693	04/2003	Warranty Deed	Distress sale	Yes	80,000
5005	1399	01/2003	Warranty Deed	Government Acquisition	Yes	100
4997	4183	12/2002	Certificate of Title	Unqualified Sale	Yes	100
4650	2837	02/2001	Quit Claim Deed	Affiliated Parties	Yes	100
4445	3255	06/1999	Warranty Deed	Qualified Sale	Yes	75,300
2553	0203	04/1984	Warranty Deed	Qualified Sale	Yes	50,000
1894	0744	04/1977	Unknown	Qualified Sale	Yes	32,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	17,731	69,363	405	87,499	87,499	87,499	0	87,499	0	87,499
2013	16,189	65,788	418	82,395	78,246	78,246	25,000	53,246	25,000	28,246
2012	16,189	60,372	377	76,938	76,938	76,938	25,000	51,938	25,000	26,938
2011	16,189	60,371	388	76,948	76,948	76,948	25,000	51,948	25,000	26,948
2010	16,189	60,435	400	77,024	77,024	77,024	25,000	52,024	25,000	27,024
2009	21,200	70,509	418	92,127	92,127	92,127	25,000	67,127	25,000	42,127
2008	50,110	75,172	430	125,712	125,712	125,712	0	125,712	0	125,712
2007	69,382	76,875	391	146,648	94,543	94,543	25,000	69,543	0	69,543
2006	62,829	74,786	353	137,968	92,237	92,237	25,000	67,237	0	67,237
2005	38,546	64,095	330	102,971	89,550	89,550	25,000	64,550	0	64,550
2004	26,596	60,250	96	86,942	86,942	86,942	25,000	61,942	0	61,942
2003	16,575	62,548	106	79,229	79,229	79,229	0	79,229	0	79,229
2002	14,647	57,763	0	72,410	66,888	66,888	25,000	41,888	0	41,888
2001	14,647	51,188	0	65,835	65,835	65,835	25,000	40,835	0	40,835
2000	14,647	49,728	0	64,375	64,375	64,375	25,000	39,375	0	39,375
1999	14,647	33,084	0	47,731	47,731	47,731	0	47,731	0	47,731
1998	14,647	33,084	0	47,731	47,731	47,731	25,000	22,731	0	22,731
1997	14,647	33,084	0	47,731	47,731	47,731	25,000	22,731	0	22,731
1996	14,647	33,084	0	47,731	47,731	47,731	25,000	22,731	0	22,731
1995	14,647	33,084	0	47,731	47,731	47,731	25,000	22,731	0	22,731
1994	14,647	33,084	0	47,731	47,731	47,731	25,000	22,731	0	22,731
1993	14,647	32,120	0	46,767	46,767	46,767	25,000	21,767	0	21,767
1992	14,647	33,810	0	48,457	48,457	48,457	25,000	23,457	0	23,457
1991	14,647	38,928	0	53,575	53,575	53,575	25,000	28,575	0	28,575

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

Parcel No. 6321-02-00-0090

05/14/2013 01:49 PM
Doc stamps 672.00
(Transfer Amt $ 96000)
Instrument# 2013-093240 # 1
Book: 6857
Page: 1837

WARRANTY DEED

THIS WARRANTY DEED dated May 10, 2013 by **Barbara A. Ouellette, a single woman,** hereinafter called the grantor, to **Jessica Lynn Lincicome,** whose post office address is 9 Raintree Drive, Port Orange, FL 32127, hereinafter called the grantee:

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

WITNESSETH, that the said grantor, for and in consideration of the sum of $96,000.00, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, viz:

Lot 9, Raintree Subdivision, according to the plat thereof, as recorded in Map Book 33, Page 190, of the Public Records of Volusia County, Florida.

Parcel ID#: 6321-02-00-0090

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

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

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

AND the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2012.

WARRANTY DEED
(Continued)

Instrument# 2013-093240 # 2
Book: 6857
Page: 1838
Diane M. Matousek
Volusia County, Clerk of Court

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

Signed, sealed and delivered in the presence of:

WITNESSETH:

(Witness Signature)

Dominique Evermonde
(Print Name of Witness)

(Witness Signature)

Jordan Cooper
(Print Name of Witness)

Barbara A. Ouellette
Barbara A. Ouellette

9 Raintree Drive
Port Orange, FL 32127

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 10th day of May, 2013, by **Barbara A. Ouellette,** who is / are personally known to me or who has / have produced Drivers License as identification and who did take an oath.

DOMINIQUE EVERMONDE
MY COMMISSION # DD915247
EXPIRES August 30, 2013
(407) 398-0153 FloridaNotaryService.com

Notary Public

My Commission Expires: _____

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).

g. At any place where official traffic control devices prohibit standing.

(3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of merchandise or passengers:

a. Within 50 feet of the nearest rail of a railroad crossing or bridge.

b. At any place where official signs prohibit parking.

(b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

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

(a) *Findings of fact.*

(1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.

(2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.

(3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

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

(1) *Code inspector* shall be defined as provided in F.S. § 162.04.

(2) *Disabled or abandoned vehicle* means a vehicle which:

a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;

b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;

c. Is unlicensed;

d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or

e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.

(3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.

(4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.

(5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.

(6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

(1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:

a. Within a completely enclosed garage; or

b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

(2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

(3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.

(d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.

(e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 15-1353

Name	Activity	Activity_Date	Status	Cost
Akram Batniji	Notice of Violation/Notice of Hearing	09/08/2015	Hand Delivered to Akram Batniji on 9/8/15	$0.00
Akram Batniji	Mailing Finding of Fact/Conclusion of Law & Order to 16 Longford Farm Drive, Elmira, NY 14903	10/14/2015		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/14/2015		$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. 15-1353

To: Akram Batniji
16 Longford Farm Dr
Elmira, NY 14903

Re: 735 Dunlawton Ave
Port Orange, FL 32129
Parcel ID: 6337-52-00-0001
LEGAL DESCRIPTION: LOT 2 SCOTT CNB PCD UNIT II MB 42 PG 27 PER OR 5062 PG 2606 PER OR 5720 PG 1997 PER OR 6776 PG 2276
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 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:

napter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

An inspection was conducted on August 4, 2015. During that inspection, I observed a damaged fence on the rear lot line of the property. Portions of the fence are leaning and there are missing pickets. I spoke to the owner Akram Batniji and notified him that the fence needed to be repaired to its original and upright condition. The owner was given 10 days verbally for compliance. A re-inspection was conducted on September 1, 2015. I left a copy of my business card with one of the nurses at the front desk and asked that the owner contact me. To date, I have not received any messages from the owner. To correct the violation, all damaged or leaning fence components must be repaired to their original and upright condition.

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 **October 5, 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 October 14, 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 $ Ø as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 14, 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 **December 9, 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 8th day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Akram Batniji, 735 Dunlawton Ave, Port Orange, FL 32129, was

X Hand-delivered: Akram Batniji.

☐ Posted at the property

this 8th day of September, 2015.

Time: approx. 12:17 p.m.

J. Scott Allman
J. Scott Allman

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 FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr.
M.A., A.S.A., C.F.A.

Parcel Information: 6337-31-00-0020 2015 Preliminary Tax Roll Last Updated: 09-06-2015

Owner Name and Address

Alternate Key	5012816	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6337-31-00-0020	**Mill Group**	402 Port Orange
Full Parcel ID	37-16-33-31-00-0020	**2014 Final Mill Rate**	21.15960
Created Date	11 MAY 1988		
Property Class	17 Office Buildings, Non-Professional Service Buildings, One Story		
Ownership Type		**Ownership Percent**	100
Owner Name	BATNIJI AKRAM		
Owner Name/Address 1			
Owner Address 2	16 LONGFORD FARM DR		
Owner Address 3	ELMIRA NY		
Owner Zip Code	14903		
Situs Address	735 DUNLAWTON AV PORT ORANGE 32129		

Legal Description

LOT 2 SCOTT CNB PCD UNIT II MB 42 PG 27 PER OR 5062 PG 2606 PER OR 5720 PG 1997 PER OR 6776 PG 2276

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6776	2276	10/2012	Warranty Deed	Institutional / bank	Yes	360,000
5720	1997	12/2005	Warranty Deed	Institutional / bank	Yes	717,000
5062	2606	04/2003	Quit Claim Deed	Affiliated Parties	Yes	10
3940	1670	07/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3130	0262	03/1988	Warranty Deed	Unqualified Sale	Yes	100

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	202,500	245,312	22,370	470,182	470,182	458,729	0	470,182	0	458,729
2013	202,500	192,156	22,370	417,026	417,026	417,026	0	417,026	0	417,026
2012	202,500	195,940	20,770	419,210	419,210	419,210	0	419,210	0	419,210
2011	202,500	195,939	20,770	419,209	419,209	419,209	0	419,209	0	419,209
2010	222,750	195,985	20,770	439,505	439,505	439,505	0	439,505	0	439,505
2009	293,625	268,686	20,770	583,081	583,081	583,081	0	583,081	0	583,081
2008	352,350	217,085	20,770	590,205	590,205	590,205	0	590,205	0	590,205
2007	352,350	219,113	17,116	588,579	588,579	588,579	0	588,579	0	588,579
2006	259,200	219,062	14,067	492,329	492,329	492,329	0	492,329	0	492,329
2005	259,200	208,935	7,760	475,895	475,895	475,895	0	475,895	0	475,895
2004	243,000	240,821	6,473	490,294	490,294	490,294	0	490,294	0	490,294
2003	121,500	226,004	5,517	353,021	353,021	353,021	0	353,021	0	353,021
2002	121,500	232,322	5,560	359,382	359,382	359,382	0	359,382	0	359,382
2001	121,500	219,999	5,605	347,104	347,104	347,104	0	347,104	0	347,104
2000	121,500	216,292	5,650	343,442	343,442	343,442	0	343,442	0	343,442
1999	97,200	199,161	5,695	302,056	302,056	302,056	0	302,056	0	302,056
1998	97,200	197,067	5,741	300,008	300,008	300,008	0	300,008	0	300,008
1997	97,200	190,564	5,786	293,550	293,550	293,550	0	293,550	0	293,550
1996	97,200	186,659	6,660	290,519	290,519	290,519	0	290,519	0	290,519
1995	97,200	184,498	7,577	289,275	289,275	289,275	0	289,275	0	289,275
1994	97,200	179,595	8,376	285,171	285,171	285,171	0	285,171	0	285,171
1993	97,200	158,036	13,507	268,743	268,743	268,743	0	268,743	0	268,743
1992	97,200	158,036	14,021	269,257	269,257	269,257	0	269,257	0	269,257
1991	133,650	147,299	12,092	293,041	293,041	293,041	0	293,041	0	293,041
1990	133,650	142,255	12,155	288,060	288,060	288,060	0	288,060	0	288,060
1989	121,500	135,832	11,983	269,315	269,315	269,315	0	269,315	0	269,315
1988	121,500	0	0	121,500	121,500	121,500	0	121,500	0	121,500

Recording requested by
and when recorded return to:
Chris Drivas/LandCastle Title,
5110 Eisenhower Blvd. #102
Tampa, FL 33634

Asset No. 10342001079

_____ space above this line for Recorder's use only

SPECIAL WARRANTY DEED

STATE OF FLORIDA §
§
COUNTY OF VOLUSIA §

RECITALS

WHEREAS, FDIC,as Receiver for Sunshine State Community, a Florida Banking Corp. (the "Institution"), acquired the Property by that certain Warranty Deed dated 12/2/2005, and recorded in Volume 5720, Page 1997 of the records of Volusia County, Florida, on 12/9/2005; and

WHEREAS, the Institution was closed by State of Fl Office of Financial Regulation on Feb. 11, 2011, and the Federal Deposit Insurance Corporation (the "FDIC") was appointed as receiver for the Institution (the "Receiver"); and

WHEREAS, as a matter of federal law, 12 U.S.C. § 1821(d)(2)(A)(i), the Receiver succeeded to all of the right, title, and interest of the Institution in and to, among other things, the Property.

NOW, THEREFORE, the Receiver (hereinafter, "Grantor"), whose address is 1601 Bryan Street, Dallas, Texas 75201, for and in consideration of THREE HUNDRED AND SIXTY THOUSAND AND NO/100 DOLLARS ($360,000.00), the receipt and sufficiency of which are hereby acknowledged, has GRANTED, SOLD and CONVEYED and by these presents does GRANT, SELL and CONVEY unto AKRAM BATNIJI ("Grantee"), whose address is 16 Longford Farm Drive, Elmira, NY 14903, that certain real property situated in Volusia County, Florida, as described on Exhibit "A" attached hereto and made a part hereof for all purposes, together with any and all improvements thereto and all and singular the rights and appurtenances pertaining thereto, including, but not limited to, any right,

title and interest of Grantor in and to adjacent streets, alleys or rights-of-way (collectively, the "Property"), **subject** however **to** any and all exceptions, easements, rights-of-way, covenants, conditions, restrictions, reservations, encroachments, protrusions, shortages in area, boundary disputes and discrepancies, matters which could be discovered or would be revealed by, respectively, an inspection or current survey of the Property, encumbrances, access limitations, licenses, leases, prescriptive rights, rights of parties in possession, rights of tenants, co-tenants, or other co-owners, and any and all other matters or conditions affecting the Property, including, without limitation, any and all matters or conditions reflected on Exhibit "B" attached hereto and made a part hereof for all purposes, and whether known or unknown, recorded or unrecorded, as well as standby fees, real estate taxes, and assessments on or against the Property for the current year and subsequent years and subsequent taxes and assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property; and any and all zoning, building, and other laws, regulations, and ordinances of municipal and other governmental authorities affecting the Property (all of the foregoing being collectively referred to as the "Permitted Encumbrances"). Grantee, by its acceptance of delivery of this Special Warranty Deed, assumes and agrees to perform any and all obligations of Grantor or the Institution under the Permitted Encumbrances.

FURTHER, GRANTEE, BY ITS ACCEPTANCE OF DELIVERY OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND AGREES THAT (i) EXCEPT FOR THE SPECIAL (OR LIMITED) WARRANTY OF TITLE CONTAINED HEREIN, GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY NEGATES AND DISCLAIMS ANY REPRESENTATIONS, WARRANTIES, PROMISES, COVENANTS, AGREEMENTS, OR GUARANTIES OF ANY KIND OR CHARACTER WHATSOEVER, WHETHER EXPRESS OR IMPLIED, ORAL OR WRITTEN, PAST, PRESENT, OR FUTURE, OF, AS TO, CONCERNING, OR WITH RESPECT TO (A) THE VALUE, NATURE, QUALITY, OR CONDITION OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, THE WATER, SOIL, AND GEOLOGY, (B) ANY INCOME TO BE DERIVED FROM THE PROPERTY, (C) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE MAY CONDUCT OR HOPE TO CONDUCT THEREON, (D) THE COMPLIANCE OF OR BY THE PROPERTY OR ITS OPERATION WITH ANY LAWS, RULES, ORDINANCES, OR REGULATIONS OF ANY APPLICABLE GOVERNMENTAL AUTHORITY OR BODY, (E) THE DESCRIPTION, POSSESSION, HABITABILITY, MERCHANTABILITY, MARKETABILITY, PROFITABILITY, OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY OR ANY PART THEREOF, (F) THE MANNER OR QUALITY OF THE CONSTRUCTION OR MATERIALS, IF ANY, INCORPORATED INTO THE PROPERTY, (G) THE MANNER, QUALITY, STATE OF REPAIR, OR LACK OF REPAIR OF THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO, (H) THE EXISTENCE, QUALITY, NATURE, ADEQUACY, OR PHYSICAL CONDITION OF ANY UTILITIES SERVING THE PROPERTY, OR (I) ANY OTHER MATTER WITH RESPECT TO THE PROPERTY, AND SPECIFICALLY, THAT GRANTOR HAS NOT MADE, DOES NOT MAKE, AND SPECIFICALLY DISCLAIMS ANY REPRESENTATIONS REGARDING COMPLIANCE WITH ANY ENVIRONMENTAL PROTECTION, POLLUTION, OR LAND USE LAWS, RULES, REGULATIONS, ORDERS, OR REQUIREMENTS, INCLUDING,

WITHOUT LIMITATION, THE DISPOSAL OR EXISTENCE, IN OR ON THE PROPERTY OR ANY PART THEREOF, OF ANY HAZARDOUS MATERIALS; (ii) GRANTEE HAS FULLY INSPECTED THE PROPERTY AND THAT THE CONVEYANCE HEREUNDER OF THE PROPERTY IS "AS IS" AND "WITH ALL FAULTS", AND GRANTOR HAS NO OBLIGATION TO ALTER, REPAIR, OR IMPROVE THE PROPERTY OR ANY PORTION THEREOF OR ANY IMPROVEMENTS THERETO; and (iii) NO WARRANTY HAS ARISEN THROUGH TRADE, CUSTOM, OR COURSE OF DEALING WITH GRANTOR, AND ALL STATUTORY, COMMON LAW, AND CUSTOMARY COVENANTS AND WARRANTIES, IF ANY, OF WHATEVER KIND, CHARACTER, NATURE, PURPOSE, OR EFFECT, WHETHER EXPRESS OR IMPLIED OR ARISING BY OPERATION OF LAW, ARE HEREBY EXPRESSLY, UNCONDITIONALLY, AND IRREVOCABLY WAIVED, DISCLAIMED, AND EXCLUDED FROM THIS SPECIAL WARRANTY DEED, NOTWITHSTANDING ANY CUSTOM OR PRACTICE TO THE CONTRARY, OR ANY STATUTORY, COMMON LAW, DECISIONAL, HISTORICAL, OR CUSTOMARY MEANING, IMPLICATION, SIGNIFICANCE, EFFECT, OR USE OF CONTRARY IMPORT OF ANY WORD, TERM, PHRASE OR PROVISION HEREIN.

Further, by its acceptance of delivery of this Special Warranty Deed, Grantee or anyone claiming by, through, or under Grantee, hereby fully releases Grantor, the Institution, and the FDIC in any and all of its various other capacities, and their respective employees, officers, directors, representatives, and agents from any and all claims, costs, losses, liabilities, damages, expenses, demands, actions, or causes of action that it or they may now have or hereafter acquire, whether direct or indirect, known or unknown, suspected or unsuspected, liquidated or contingent, arising from or related to the Property in any manner whatsoever. This covenant releasing Grantor, the Institution, and the FDIC in any and all of its various other capacities shall be a covenant running with the Property and shall be binding upon Grantee, its successors, and assigns.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging to Grantor, unto Grantee, its heirs, personal representatives, successors and assigns forever, and Grantor does hereby bind itself, its successors and assigns, to WARRANT SPECIALLY AND FOREVER DEFEND all and singular the Property unto Grantee, its heirs, personal representatives, successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, by, through, or under Grantor, but not otherwise, **subject**, however, to the Permitted Encumbrances.

The fact that certain encumbrances, limitations, or other matters or conditions may be mentioned, disclaimed, or excepted in any way herein, whether specifically or generally, shall not be a covenant, representation, or warranty of Grantor as to any encumbrances, limitations, or any other matters or conditions not mentioned, disclaimed, or excepted. Notwithstanding anything herein to the contrary, however, nothing herein shall be construed or deemed as an admission by Grantor or Grantee to any third party of the existence, validity, enforceability, scope, or location of any encumbrances, limitations, or other matters or conditions mentioned, disclaimed, or excepted in any way herein, and nothing shall be

construed or deemed as a waiver by Grantor or Grantee of its respective rights, if any, but without obligation, to challenge or enforce the existence, validity, enforceability, scope, or location of same against third parties.

By its acceptance of delivery of this Special Warranty Deed, Grantee hereby assumes the payment of all *ad valorem* taxes, standby fees, and general and special assessments of whatever kind and character affecting the Property which are due, or which may become due, for the current tax year or assessment period and for any tax year or assessment period subsequent to the date of this Special Warranty Deed, including, without limitation, taxes or assessments for prior years becoming due by reason of a change in usage or ownership, or both, of the Property or any portion thereof.

IN WITNESS WHEREOF, this Special Warranty Deed is executed on 10/19/12.

Federal Deposit Insurance Corporation, as Receiver for Sunshine State ~~Community Bank~~, a Florida banking, on behalf of said entity.

By: _____
as Attorney in Fact

Signed By: Raymond H. Fraser, Jr
Printed Name:
As It's: "Attorney In Fact"

_____
(Witness Signature)

JOHN C. HARRIS
(Print Name of Witness)

_____
(Witness Signature)

STEPHEN E. LAIRD
(Print Name of Witness)

ACKNOWLEDGMENT

STATE OF Florida §
§
COUNTY OF Duval §

This instrument was acknowledged before me this 19th day of October, ~~202~~2012 by Raymond H Fraser, Jr as Attorney In Fact of _____, as Attorney in Fact for Federal Deposit Insurance Corporation, as Receiver for Sunshine State Community Bank, a Florida banking, on behalf of said entity.

[Notary seal]

Kathryn F Swanson
Notary Public, State of Florida

NOTARY PUBLIC-STATE OF FLORIDA
Kathryn F. Swanson
Commission # EE047379
Expires: DEC. 07, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

EXHIBIT "A" to Special Warranty Deed

[Legal Description of the Property]

Lot 2, SCOTT CNB PCD UNIT II, according to the map or plat thereof, as recorded in Plat Book 42, Page(s) 27, of the Public Records of Volusia County, Florida.

Parcel Id. 6337-31-00-0020

EXHIBIT "B" to Special Warranty Deed

[Specific Permitted Encumbrances]

Taxes and assessments for the year 2012 and subsequent years, which are not yet due and payable.

Phosphate, Minerals, Metals and Petroleum Reservations and rights in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund, recorded in Deed Book 315, Page 211; As affected by Instruments recorded in Official Records Book 2624, Page 671, Official Records Book 2624, Page 673, and Official Records Book 2627, Page 806. As to said reservation, the right of entry has been released pursuant to Florida Statute 270.11.

Terms and provision of Development Agreement filed for record in Official Records Book 2996, Page 1503, and amendments thereto including, but not limited to, Amendments recorded in Official Records Book 2996, Page 1503, Official Records Book 3219, Page 805, Official Records Book 3480, Page 466.

Terms and Provisions of the City of Port Orange Standard Form of Subdivision Improvement Agreement recorded in Official Records Book 3011, Page 1690.

Restrictions, covenants and conditions as set forth on Plat recorded in Plat Book 42, Page 27, as may be subsequently amended.

NOTE: This exception omits any restriction, covenant, or condition based on race, color, religion, sex, handicap, familial status or national origin, if any, unless and only to the extent that the restriction is not in violation of state or federal law, or relates to a handicap, but does not discriminate against handicapped people.

Easement Agreement recorded in Official Records Book 3264, Page 165.

Joint Easement Agreement recorded in Official Records Book 3207, Page 1520.

Right-of-Way Agreement in favor of Florida Power and Light Company recorded in Official Records Book 1789, Page 1385.

The terms, provisions and conditions contained in that certain City of Port Orange Resolution No. 06-96, recorded in Official Records Book 5263, Page 4269.

Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.

Subject to the following matters disclosed by Survey prepared by CDS Surveyor, Billy R. Davis, PSM 5099, under Job No. 11-06-027:001, dated October 9, 2012:

A. Encroachment of a 6ft concrete walk into 20 foot Florida Power & Light Easement along the front lot line.

B. Encroachment of a Sign into 20 foot Florida Power & Light Easement along the front lot line.

C. Encroachment of Concrete Parking Spaces into 5 foot Drainage and Utility Easement along the Northerly side lot line.

D. Encroachment of a 6 ft Wood Fence onto subject property along the rear lot line.

E. Encroachment of a Cable Riser into 20 foot Florida Power & Light Easement along the front lot line.

F. Encroachment of a Cable Box into 20 foot Florida Power & Light Easement along the front lot line

G. Encroachment of concrete parking onto 40 ft Sewer and Drainage Easement along the rear lot line.

H. Encroachment of concrete parking into 10 ft road way and utility purpose easement.

Prepared by: Renee Marie Araujo, Esq.
FDIC East Coast Temporary Satellite Office
7777 Baymeadows Way West
Jacksonville, FL 32256

(Leave Blank Above this Line for Recording Information)
(Space above this line must be at least 3 Inches)

LIMITED POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS, that the **FEDERAL DEPOSIT INSURANCE CORPORATION**, a Corporation organized and existing under an Act of Congress, hereinafter called the "FDIC," acting in its Receivership capacity or separate Corporate capacity or as Manager of the FSLIC Resolution Fund has acquired and will acquire certain assets for liquidation and has determined that it is necessary to appoint a representative to act on its behalf in connection with the maintenance and liquidation of said assets, hereinafter called the "Acquired Assets."

WHEREAS, the FDIC desires to designate **RAYMOND H. FRASER, JR.** as attorney-in-fact for the limited purpose of facilitating the management and disposition of the Acquired Assets; and

WHEREAS, the undersigned has full authority to execute this instrument on behalf of the FDIC under applicable Resolutions of the FDIC's Board of Directors and redelegations thereof.

NOW, THEREFORE, the FDIC appoints **RAYMOND H. FRASER, JR.** as its true and lawful attorney-in-fact to act in its name, place, and stead, and hereby grants **RAYMOND H. FRASER, JR.** the authority, subject to the limitations herein, as follows:

(1) Sign, seal and deliver as the act and deed of the FDIC any instrument in writing, and to do every other thing necessary and proper for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give proper receipts and acquittance therefor in the name and on behalf of the FDIC;

(2) Release, discharge or assign any and all judgments, mortgages on real estate or personal property, including the release and discharge of the same of record in the Official or Public Records of the Clerk of any Circuit Court or any other official public records or registries, wherever located, where payments on account of the same in redemption or otherwise may have been made by the

debtor(s), and to endorse receipt of such payment upon the records in any appropriate public office;

(3) Receive, collect and give all proper acquittance for any other sums of money owing to the FDIC for any Acquired Asset which the attorney-in-fact may sell or dispose of;

(4) Execute any and all transfers and assignments as may be necessary to assign any securities or other choses in action;

(5) Sign, seal, acknowledge and deliver any and all agreements, easements, or conveyances as shall be deemed necessary or proper by the FDIC attorney-in-fact in the care and management of the Acquired Assets;

(6) Sign, seal, acknowledge and deliver indemnity agreements and surety bonds in the name of and on behalf of the FDIC;

(7) Sign receipts for the payment of all rents and profits due or to become due on the Acquired Assets;

(8) Execute, acknowledge and deliver deeds of real property in the name of the FDIC;

(9) Extend, postpone, release and satisfy or take such other action regarding any mortgage lien held in the name of the FDIC;

(10) Execute, acknowledge and deliver in the name of the FDIC a power of attorney wherever necessary or required by law to any attorney employed by the FDIC;

(11) Foreclose any mortgage or other lien on either real or personal property, wherever located;

(12) Do and perform every act necessary for the use, liquidation or collection of the Acquired Assets held in the name of the FDIC;

(13) Sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the FDIC, either in its Receivership or Corporate capacity, or as Manager of the FSLIC Resolution Fund.

This Power of Attorney shall be effective **May 9, 2012**, and shall continue in full force and effect through **May 8, 2014**, unless otherwise terminated by any official of the FDIC authorized to do so by the Board of Directors of the FDIC.

IN WITNESS WHEREOF, the FDIC, by its duly authorized officer empowered by appropriate resolution of its Board of Directors, has caused these presents to be subscribed in its name this 29th day of MARCH, 2012.

FEDERAL DEPOSIT INSURANCE CORPORATION

By: Ophelia Jones
Name: **OPHELIA JONES**
Title: Manager of Customer Service -
East Coast Temporary Satellite Office
7777 Baymeadows Way West
Jacksonville, FL 32256

Signed in the presence of:

Witness: Gary Campbell
Printed Name: Gary Campbell

Witness: Benews V. Young
Printed Name: Benews V. young

STATE OF FLORIDA }
}
COUNTY OF DUVAL }

On this 29th day of March, 2012, before me, a Notary Public in and for the State of Florida appeared **OPHELIA JONES**, to me personally known, who, being by me first duly sworn did depose that he/she is Manager of Customer Service, East Coast Temporary Satellite Office of the Federal Deposit Insurance Corporation (the "Corporation"), in whose name the foregoing Limited Power of Attorney was executed and subscribed, and the said Limited Power of Attorney was executed and subscribed on behalf of the said Corporation by due authority of the Corporation's Board of Directors, and the said **OPHELIA JONES**, acknowledged the said Limited Power of Attorney to be the free act and deed of said Corporation.

[PLACE NOTARY SEAL BELOW HERE]

DEBORAH L. SMITH
Notary Public - State of Florida
My Comm. Expires Jul 14, 2015
Commission # EE 112500

Deborah L. Smith
Notary Public
Printed Name of Notary: Deborah L. Smith
Commission No.: EE 112500
My Commission expires: 7-14-2015

STATE OF FLORIDA }
}
COUNTY OF DUVAL }

On this 29th day of March, 2012, before me, a Notary Public in and for the State of Florida appeared Gary Campbell (witness #1) and Beneva V. Young (witness #2), to me personally known to be the persons whose names are subscribed as witness to the foregoing instrument of writing, and after being duly sworn by me stated on oath that they saw **OPHELIA JONES**, Manager of Customer Service, East Coast Temporary Satellite Office, of the Federal Deposit Insurance Corporation, the person who executed the foregoing instrument, and had subscribed the same, and that they had signed the same as a witness at the request of the person who executed the same.

[PLACE NOTARY SEAL BELOW HERE]

DEBORAH L. SMITH
Notary Public - State of Florida
My Comm. Expires Jul 14, 2015
Commission # EE 112502

Deborah L. Smith
Notary Public
Printed Name of Notary: Deborah L. Smith
Commission No.: EE 112502
My Commission expires: 7-14-2015

STATE OF FLORIDA
DUVAL COUNTY
I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court of Duval County, Florida, and the same is in full force and effect.
WITNESS my hand and seal of Clerk of Circuit Court at Jacksonville, Florida, this the 29 day of March, 2012.
JIM [illegible]
Clerk, Circuit and County Courts
Duval County, Florida
By _____
Deputy Clerk

Section 3: - Fences and walls.

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

(b) *General provisions.*

(1) *Restrictions.*

(a) No barbed wire, razor wire or similar material shall be allowed for residential uses.

(b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.

(c) Temporary construction fencing.

(1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.

(2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.

(3) A building permit shall be obtained prior to the erection of the temporary construction fence.

(4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.

(5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.

(6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this code.

(7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

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

Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) *Location.*

(a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.

(b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.

(4) *Design and maintenance.*

(a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.

(b) All fences shall be maintained in their original upright condition.

(c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

(e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.

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

(5) *Exemptions.*

(a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.

(b) Reserved.

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

Case Cost Sheet Log

Case No. 15-1017

Name	Activity	Activity_Date	Status	Cost
Joseph A. Adamo Sr.	Mailing Notice of Violation/Notice of Hearing to 120 Aloha Terrance, Port Orange, FL 32129	08/10/2015	Certified Green Card Signed by "Maria Owens" on August 17, 2015 and Returned to City Clerk's Office.	$6.95
Joseph A. Adamo Sr.	Mailing Finding of Fact/Conclusion of Law & Order to 120 Aloha Terrace, Port Orange, FL 32129	09/09/2015	Certified Green Card Signed and Returned to City Clerk's Office.	$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015	BK: 7162 PG: 2094	$27.00
Joseph A. Adamo Sr.	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	10/14/2015		$0.70
Clerk of Court	Recording Fee - Order Imposng Fine/Lien w/ Affidavit of Non-Compliance	10/14/2015		$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. 15-1017

To:
Joseph A Adamo Sr
120 Aloha Ter
Port Orange, FL 32129

Re: 120 Aloha Ter
Port Orange, FL 32129
Parcel ID: 6305-03-00-0800
LEGAL DESCRIPTION: LOT 80 BAREFOOT PARK MB 31 PG 62 PER OR 4466 PG 2921 PER OR 5364 PG 0199 PER OR 5521 PG 4095

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 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 42-32 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.

The City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103 Declaration of a Nuisance It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange.

(a) A nuisance tree shall be subject to immediate removal when determined to be a public hazard in the opinion of the code enforcement official of the City of Port Orange consistent with the following standards:

1. Sand pine (pinus clausa) leaning 45 degrees or more from vertical.

2. Sand pine (pinus clausa) leaning 45 degrees or more from vertical and other types of trees having special conditions, disease or damage constituting them a nuisance tree in the opinion of the professions forester, botanist or landscape architect.

On June 3, 2015, an inspection of the property was completed to find a dead tree in the front yard that is classified as a nuisance tree. This tree has the potential to fall into the right of way and needs to come down immediately. There is outside storage on site that is prohibited. For this property to be in compliance the dead tree needs to be removed and the 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(s) must be corrected by **August 14, 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.

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 September 9, 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

In the event the **Special Magistrate**, during the hearing on **September 9, 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 **October 14, 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 7th day of August, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth, 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 Joseph A Adamo Sr 120 Aloha Ter, Port Orange, FL 32129, was

☐ Hand-delivered
☒ Posted at the property

Time: approx. 11:45 pm

this 7th day of August, 2015.

Deborah Faircloth
Deborah Faircloth, 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 Joseph A Adamo Sr 120 Aloha Ter, Port Orange, FL 32129, was

☐ Posted at City Hall
☐ Sent via certified

this 10th day of August, 2015.

Theresa Lutterman
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 Appraiser's 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: 08-04-2015 Today's Date: 8-7-2015	Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		Volusia County FLORIDA
Full Parcel ID Short Parcel ID	05-16-33-03-00-0800 6305-03-00-0800	Mill Group	402 Port Orange
Alternate Key	3584783	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	02
Date Created	30 DEC 1981		
Owner Name	ADAMO JOSEPH A SR		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	120 ALOHA TERR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	120 ALOHA TER PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 80 BAREFOOT PARK MB 31 PG 62 PER OR 4466 PG 2921 PER OR 5364 PG 0199 PER OR 5521 PG 4095

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5521	4095	3/2005	Warranty Deed	Affiliated Parties	Yes	68,500
2	5364	0199	7/2004	Quit Claim Deed	Unqualified Sale	Yes	100
3	4466	2921	6/1999	Warranty Deed	Qualified Sale	Yes	45,000

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	19,750	19,824	0	39,574	28,659	28,659	28,659	25,000	3,659	3,659	0	3,659

04/01/2005 02:06 PM
Doc stamps 479.50
(Transfer Amt $ 68500)
Instrument# 2005-081080 # 1
Book: 5521
Page: 4095
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared by and Return to:
CECELIA C EITNIEAR-FULLER
AAA TITLE INSURANCE CORPORATION, INC.
807 BEVILLE ROAD
SOUTH DAYTONA, FLORIDA 32119

Property Appraisers Parcel Identification (Folio) Numbers:
[redacted]
Grantee SS

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the **25th** day of **March, A.D. 2005** by **TRACY M. BLAIR, A SINGLE MAN** herein called the grantor, whose post office address is **120 ALOHA TERRACE, PORT ORANGE, FLORIDA 32129**, to **JOSEPH A. ADAMO, SR.** whose post office address is **120 ALOHA TERRACE, PORT ORANGE, 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)

W I T N E S S E T H: That the grantor, for and in consideration of the sum of TEN AND 00/100'S ($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, State of Florida, viz:

LOT 80, IN BAREFOOT PARK MOBILE HOME SUBDIVISION, A SUBDIVISION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGE 62, OFFICIAL RECORDS OF VOLUSIA COUNTY, FLORIDA.

Subject to easements, restrictions and reservations of record and to taxes for the year 2005 and thereafter.

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/are 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 31, 2004.

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

Signed, sealed and delivered in the presence of:

Lisa M McFarland
Signature
Lisa M McFarland
Printed Signature
Carolyn Brown
Signature
Carolyn Brown
Printed Signature

Tracy M Blair L.S.
TRACY M. BLAIR

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this **25th** day of **March, 2005** by TRACY M. BLAIR who ~~is/are personally known to me or~~ has produced Drivers License as identification.

SEAL

Lisa M McFarland
Notary Signature

Title Insurance Corporation Inc.

Sec. 42-103. - Declaration of nuisance.

It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange.

(a) A nuisance tree shall be subject to immediate removal when determined to be a public hazard in the opinion of the code enforcement official of the City of Port Orange consistent with the following standards:

1. Sand pine (pinus clausa) leaning 45 degrees or more from vertical.
2. Sand pine (pinus clausa) leaning 45 degrees or more from vertical and other types of trees having special conditions, disease or damage constituting them a nuisance tree in the opinion of the professions forester, botanist or landscape architect.

(Ord. No. 2000-40, § 1, 10-17-00; Ord. No. 2006-14, § 1(42-3), 5-17-06)

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: 15-1017

Joseph A Adamo Sr.
120 Aloha Terrace
Port Orange, FL 32129
6305-03-00-0080,
Respondent.

Property Address: 120 Aloha Terrace, Port Orange, FL 32129
Parcel ID: 6305-03-00-0080

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 120 Aloha Terrace, Port Orange, Florida 32129, is owned by Joseph A Adamo Sr.

4. That 120 Aloha Terrace, 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 120 Aloha Terrace, Port Orange, Florida 32129, at 11:45 a.m. on the 7th day of August, 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 7th day of August, 2015.

Deborah Faircloth
Code Compliance Inspector

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was sworn to before me on the 7th day of August, 2015, by Deborah Faircloth, who is personally known to me.

Notary Public, State of Florida

Commission No.

AMANDA BONIN
MY COMMISSION EXPIRES
February 19, 2019
#FF 171459
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

09/14/2015 02:41 PM
Instrument# 2015-171117 # 1
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CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1017

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Joseph A. Adamo Sr
120 Aloha Terrance
Port Orange, FL 32129
630[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 September 9, 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), Joseph A. Adamo Sr., whose mailing address is 120 Aloha Terrace, Port Orange, FL 32129, is/are the owner(s) of the property located at 120 Aloha Terrance, Port Orange, FL 32129, and more particularly described as:

LOT 80 BAREFOOT PARK MB 31 PG 62 PER OR 4466 PG 2921 PER OR 5364 PG 0199 PER OR 5521 PG 4095

B. There is a dead tree in the front yard that is classified as a nuisance tree. This tree has the potential to fall into the right of way and needs to come down immediately. This condition was first observed at the real property described above on June 3, 2015; re-inspections made on August 28, 2015 and September 4, 2015 confirmed the condition as being the same. Respondent(s), Joseph A. Adamo Sr., received notice via certified mail on August 10, 2015 and posting at City Hall. Additionally, the notice was posted at the property on August 7, 2015. The aforesaid condition constituted a violation of Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103, Section (a) 1 & 2 Declaration of a Nuisance It of the City of Port Orange Code of Ordinances, and was to be corrected by August 14, 2015.

C. At the time of the hearing on September 9, 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), Joseph A. Adamo Sr., by reason of the foregoing, has/have violated Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103, Section (a) 1 & 2 Declaration of a Nuisance It 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 nuisance tree, 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 removing the nuisance tree on or before September 18, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by September 18, 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 $41.16 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.

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Diane M. Matousek
Volusia County, Clerk of Court

DONE AND ORDERED this 9 day of Sept., 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(s), Joseph A. Adamo Sr., 120 Aloha Terrance, Port Orange, FL 32129 by Certified and Regular Mail this 9 day of Sept., 2015.

_____
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida La
This 9 day of Sept 2015.
By: _____