



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, November 11, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes
 - a. September 23, 2015
 - b. October 14, 2015
 - c. October 28, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **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.

5. **CEB Case No.:** 15-1550

Respondent: Gerald R. Miller

Address of Violation: 713 Dove Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/05/2015

Compliance: No

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

6. **CEB Case No.:** 15-1386

Respondent: David M. Powell

Address of Violation: 775 Sugar Cane Lane, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/05/2015

Compliance: No

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

Chapter 5 (Plumbing and Fixture Requirements), Section 507 (Storm Drainage), 507.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 15-1604

Respondent: John Thomas Siedlecki

Address of Violation: 5408 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 10/07/2015

Compliance: No

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

8. **CEB Case No.:** 15-801

Respondent: White Fawn, LLC

C/o Yiz Gong, Registered Agent

Address of Violation: 5596 S. Lancewood Circle, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 06/15/2015

Compliance: No

Cited for violation(s) - 2010 Florida Building Code, Chapter 1, Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 1.

9. **CEB Case No.:** 15-1576

Respondent: William C. Partin

Address of Violation: 5584 Lancewood Circle, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 10/07/2015

Compliance: No

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

C. PUBLIC COMMENTS

D. ADJOURNMENT

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

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
SEPTEMBER 23, 2015

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Chris Hutchison, Code Enforcement Supervisor
Deborah Faircloth, Code Enforcement Inspector
Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes from September 9, 2015

Special Magistrate Branch approved the September 9, 2015 meeting minutes.

Oaths

Deborah Faircloth, Code Compliance Inspector, Dena Joseph, Code Compliance Inspector, and Scott Allman, Code Compliance Inspector, were sworn in by Special Magistrate Branch.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-1203
Respondent: David L. Hustis
Address of Violation: 807 Angelina Court, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 08/13/2015

Compliance: Yes

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

Ms. Joseph requested for case no. 15-1203 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-1203.

5. **CEB Case No.:** 15-222

Respondent: RRRAC LLC

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

Code Officer: Deborah Faircloth

First Notified: 03/24/2015

Compliance: No

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

Chapter 3, Section 304.7

Michael Cochetti, Legal Counsel for Code Enforcement, said Staff will be perusing enforcement action to achieve compliance.

Special Magistrate Branch asked if there has been an application submitted by a structural engineer.

Kerry Leuzinger, Building Chief, was duly sworn by Special Magistrate Branch. Special Magistrate Branch asked if there has been anything submitted to the building department. Mr. Leuzinger has not heard back from Mr. Adams since the last contact.

Ram Mangar, respondent, was duly sworn by Special Magistrate Branch. Mr. Mangar said Mr. Leuzinger was supposed to get with Mr. Adams. Mr. Adams contacted Mr. Leuzinger. Mr. Adams reviewed the structure of the roof and still stands by his report submitted to the Special Magistrate at a prior hearing.

Charles Adams, Structural Engineer, was duly sworn by Special Magistrate Branch. Mr. Adams gave an overview of his criteria for his position.

Special Magistrate Branch gave an overview of the case to Mr. Adams. Mr. Adams mentioned the report that was rejected by Special Magistrate Branch. He said that the damage wasn't a structural concern. Unit 5 has unpainted rafters with charring. He had stuck knives into the plywood. This test indicated to Mr. Adams that the structure was fine. He said there was slight loss of wood decay. Mr. Adams said there was no visible indication that the property is dangerous.

Mr. Adams presented photos dated September 17/18, 2015 and September 22, 2015. He said the beams are plenty strong to hold the weight along with the test that he had performed with sending someone up on the roof and jumping up and down.

Stanley Hauley, Architect, was duly sworn by Special Magistrate Branch.

Mr. Cochetti asked about the pictures submitted by Mr. Mangar. The fire started at the back side of the bathroom of Unit 5. Mr. Hauley said he saw the fire damage. Mr. Cochetti asked if there was any load testing performed of the structure. Mr. Hauley said no.

Videos were presented by Mr. Adams showing the test performed by himself. The videos were admitted into the record without objections.

Mr. Cochetti requested to strike the two (2) tests that had been performed by Mr. Adams. Special Magistrate Branch agreed with Mr. Cochetti that the tests are not scientific. He said this is not an expert opinion but he will not strike the testimony or evidence.

Special Magistrate Branch asked if there were any test such as a formal loading test or piling sand bags or concrete logs to get sensors to measure the deflection of the roof. Mr. Adam's said no.

Special Magistrate Branch found case no. 15-222 in violation of Chapter 3, Section 304.7 of the IPMC (International Property Maintenance Code). On stipulations of the parties, all other violations cited in the Notice of Violation dated March 24, 2015 are dismissed. The respondent, or agent acting on its behalf, shall apply for a building permit for the repair/replacement of the roof on or before October 7, 2015, which application shall include a report and evaluations by a structural engineer. The proposed methodology must be one generally recognize and accepted within the professional of structural integrity of the roof. Any/all questions, comments or concerns of the building department as to any part of this permit application shall be communicate to the Respondent, and any filing agent, on or before October 12, 2015. If determined satisfactory, the building department shall issue a building permit by October 21, 2015. If a permit is declined, the matter will be set for continuation hearing on October 28, 2015. Issuance, if any, of the permit shall be reported to the Magistrate on October 28, 2015.

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 \$33.48 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

6. CEB Case No.: 15-1228

Respondent: Kimberly Seely Stacy

Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/13/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots.

The repeat violation was first observed on July 16, 2015. The violator was given Notice of Violation/Notice of Hearing by property posting on August 13, 2015. Additionally, the notice was also sent via certified mail and posted at City Hall on August 17, 2015. The certified mail was returned to the City Clerk's Office marked "Vacant/Unable to Forward." The violation was to be corrected on September 4, 2015. Ms. Faircloth re-inspected the location on September 8, 2015 resulting in the lawn still overgrown and in violation. The most recent inspection was on September 22, 2015 resulting in non-compliance.

Ms. Faircloth presented photos dated September 22, 2015. Special Magistrate admitted the photos into evidence.

Based on the information presented in case no. 15-1228, Ms. Faircloth is requesting the Special Magistrate to find that Kimberly Stacy Seeley, property owner of 5417 Dubois Avenue, Port Orange, FL 32127, be found in repeat violation of the City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots.

Special Magistrate Branch found case no. 15-1228 in violation of the City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots.

Ms. Faircloth requested that the violation be corrected on or before September 30, 2015. If the accused does not comply with this Order, Ms. Faircloth requested that the City have the ability to abate the violation as the adjacent property owners have complained about rats and snakes which constitutes a public health and safety issue. Ms. Faircloth also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Ms. Faircloth's recommendation.

7. **CEB Case No.:** 15-1073
Respondent: Joshua Bartholomew
Address of Violation: 5413 Isabelle Avenue, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 08/13/2015

Compliance: Yes

Cited for violation(s) - Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc., prohibited, (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

Ms. Faircloth requested for case no. 15-1073 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-1073.

8. **CEB Case No.:** 15-1298
Respondent: Eugene & Candy Gentile
Address of Violation: 477 Leslie Drive, Port Orange, FL 32127
Code Officer: Scott Allman

First Notified: 08/14/2015

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.

The violation was first observed on July 23, 2015. The alleged violators was given Notice of Violation/Notice of Hearing by property posting on August 14, 2015. Additionally, the notice was also sent via certified mail and posted at City Hall on August 18, 2015. The violation was to be corrected on August 31, 2015. Mr. Allman re-inspected the location on September 9, 2015 and September 22, 2015 resulting in non-compliance.

Mr. Allman presented photos dated August 14, 2015 and September 22, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-1298, Mr. Allman is requesting the Special Magistrate to find that Eugene & Candy Gentile property owner of 477 Leslie Drive, Port Orange, FL 32127, be found in 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) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-1298 in 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) of the City of Port Orange Code of Ordinances.

Mr. Allman requested the violation be corrected on or before October 2, 2015. If the accused does not comply with this Order Mr. Allman requested that the City have the option to abate the violation as the property is a health and safety issue due to the condition. Mr. Allman also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.94 as indicated on this cost sheet that will be submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Mr. Allman's recommendations.

9. **CEB Case No.:** 15-1377

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3) of the City of Port Orange Code of Ordinances.

The repeat violation was first observed on August 10, 2015. The violator was given Notice of Violation/Notice of Hearing via certified mail and posted at City Hall on August 18, 2015. Additionally, the notice was also posted at the property on August 14, 2015. Mr. Allman re-inspected the location on September 22, 2015. The re-inspection resulted in non-compliance.

Mr. Allman presented photos dated August 14, 2015 and September 22, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-1377, Mr. Allman is requesting the Special Magistrate to find that Flavio G. Forzanti, property owner of 402 Needles Drive, Port Orange, FL 32127, be found in repeat 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) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-1377 in repeat 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) of the City of Port Orange Code of Ordinances.

Mr. Allman requested the violation be corrected on or before October 2, 2015. If the accused does not comply with this Order, Mr. Allman requested that the City have the option to abate the violation as the property is a health and safety issue due to the condition. Mr. Allman also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on this cost sheet that will be submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Mr. Allman's recommendation.

10. **CEB Case No.:** 15-815
Respondent: Bank of America NA
% Greenburg Trauig PA
Address of Violation: 6343 Palmas Bay Circle, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 08/20/2015

Compliance: Yes

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

Mr. Allman requested for case no. 15-815 be dismissed due to the property owner coming into compliance with the notice. Special Magistrate Branch dismissed case no. 15-815.

C. ORDER IMPOSING FINE/LIEN

11. **CEB Case No.:** 15-822
Respondent: Aki Bexhert Rexha
Address of Violation: Mills Road Lane
Code Officer: Scott Allman
First Notified: 07/01/2015

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.

This case was first heard on August 12, 2015 at which time the property owner, Aki Bexhert Rexha, was found in 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) of the City of Port Orange Code of Ordinances. Mr. Rexha was to have made corrective action on or before August 21, 2015. Mr. Rexha did come into compliance prior to the hearing but not in compliance with the notice. The City is seeking cost of \$78.64 as indicated on the cost sheet submitted into evidence. An Affidavit of Compliance has been submitted to the Clerk.

Special Magistrate Branch ordered cost in the amount of \$78.64.

12. **CEB Case No.:** 15-374
Respondent: Home Depot USA, Inc.
Address of Violation: 1551 Dunlawton Avenue, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 07/16/2015

Compliance: Yes

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

Ms. Joseph requested that case no. 15-374 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-374.

13. **CEB Case No.:** 15-316

Respondent: William K. & Balbina A. McDaniels

Address of Violation: 1218 Jeffrey Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/17/2015

Compliance: Yes

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

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

Chapter 70 Traffic, Article II, Section 70-49 (c), (1) (a) (b), & Restrictions of the City of Port Orange Code of Ordinances.

Ms. Faircloth requested that case no. 15-316 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-316.

14. **CEB Case No.:** 15-1086

Respondent: Home Depot USA, Inc.

Address of Violation: 1551 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/16/2015

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards Section 14-314 (a) (1) & (2), (d) (1), (2), (3), (4), (5), (6), & (7), 14-315 (a), & 14-318 (d) of the City of Port Orange Code of Ordinances.

Ms. Joseph said she will be presenting case no. 15-1086 on behalf of Amanda Bonin, Code Compliance Inspector. This case was first heard on August 12, 2015. Home Depot USA, Inc. was to have taken corrective action on or before September 21, 2015. Ms. Joseph re-inspected the property on September 21, 2015. The re-inspection resulted in non-compliance. A fine of \$100 per day shall be assessed beginning on September 22, 2015 and continue to accrue until compliance has been met with the order. Ms. Joseph also request costs in the amount of \$78.91 be ordered.

Jacob Pfofi, Assistant Manager for the Port Orange Home Depot, was duly sworn by Special Magistrate Branch. Mr. Pfofi said Home Depot is working towards compliance.

Special Magistrate Branch ordered a fine of \$100 beginning on September 22, 2015 and shall continue to accrue until compliance is achieved. Cost in the amount of \$78.91 are ordered.

D. **PUBLIC COMMENTS**: There were none.

E. **ADJOURNMENT**: 12:50 p.m.

Special Magistrate Raymond Branch

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
OCTOBER 14, 2015

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Chris Hutchison, Code Enforcement Supervisor
Deborah Faircloth, Code Enforcement Inspector
Scott Allman, Code Compliance Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Oaths

Deborah Faircloth, Code Compliance Inspector, and Scott Allman, Code Compliance Inspector, were sworn in by Special Magistrate Branch.

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: Yes

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

Ms. Faircloth, on behalf of Dena Joseph, requested for case no. 15-1448 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1448.

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: Yes

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

Ms. Faircloth, on behalf of Dena Joseph, requested for case no. 15-521 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-521.

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: Yes

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.

Ms. Faircloth, on behalf of Dena Joseph, requested for case no. 15-1290 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1290.

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.

This case is a repeat violation of the above referenced code. The repeat violation was first observed on August 10, 2015. The violator was given Notice of Violation/Notice of Hearing by property posting on September 4, 2015. Additionally, the notice was also mailed via certified on September 8, 2015. There was no time frame given to correct

the violation due to this being a repeat violation. The most recent inspection was on October 12, 2015. At that time, the property continued to be non-compliant. A vendor was hired to abate the violation.

Mr. Allman presented photos dated September 4, 2015 and October 12, 2015. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-1395, Mr. Allman is requesting the Special Magistrate to find that Patricia Manos, property owner of 226 Pinerock Pl, Port Orange, FL 32127, be found in repeat 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) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-1395 in repeat 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) of the City of Port Orange Code of Ordinances.

Mr. Allman requested that the City of Port Orange shall have the option to abate any health and safety concerns immediately. Any future violations under this ordinance shall be considered repeat violations. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Mr. Allman's recommendation.

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: Yes

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.

Mr. Allman requested for case no. 15-520 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-520.

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.

Mr. Allman requested a continuance for case no. 15-1353. Special Magistrate Branch continued case no. 15-1353 until the November 11, 2015 hearing.

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.

Ms. Faircloth said this case was first heard on September 9, 2015. At that time, the property was found in 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. The property was to be in compliance by September 18, 2015. Ms. Faircloth inspected the property on September 23, 2015 resulting in non-compliance. The tree still remains on the property. The City is in the process of lining up a vendor to cut down the tree. The cost to date is \$85.86 as indicated on the cost sheet submitted into evidence. There are no daily fines associated with this case.

Special Magistrate Branch ordered cost in the amount of \$85.86.

D. PUBLIC COMMENTS: There were none.

E. ADJOURNMENT: 9:23 a.m.

Special Magistrate Raymond Branch

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
OCTOBER 28, 2015

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Chris Hutchison, Code Enforcement Supervisor
Deborah Faircloth, Code Enforcement Inspector
Scott Allman, Code Compliance Inspector
Theresa Gutierrez, Deputy City Clerk

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Oaths

Deborah Faircloth, Code Compliance Inspector, and Scott Allman, Code Compliance Inspector, were sworn in by Special Magistrate Branch.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-070
Respondent: Corine M. Mackey
Address of Violation: 5420 Landis Avenue, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 09/08/2015

Compliance: No

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

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and drainage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

The violation was first observed on January 22, 2015. The alleged violator was given Notice of Violation/Notice of Hearing on September 8, 2015 at 12:45 p.m. Additionally, the notice was also mailed via certified on September 9, 2015 to the owners of the property. The certified mail was returned to the City Clerk's Office marked "Unclaimed". The violation was to be corrected on September 22, 2015. Mr. Allman re-inspected the location on September 30, 2015 and October 26, 2015 resulting in non-compliance.

Mr. Allman said Corine M. Mackey is deceased. Mr. Mackey's daughter, Kimberly Seely Stacy, had moved in to the home. They are now in the process of the foreclosure process on the home. Mr. Allman had notified the attorney about the outstanding code violations. Mr. Allman said he had spoken with the private mortgage holder and assured Mr. Allman the outstanding code violations were going to be taken care of. The home will be going out on a sale within 45-60 days. With the condition of the property, the City cannot wait until the short sale.

Mr. Allman presented photos dated January 22, 2015, September 8, 2015, and October 26, 2015. The photos indicate an overgrown lawn, multiple stored items and junk on the front porch and screen porch area, and a blue tarp on the roof due to the roof leaks. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-070, Mr. Allman is requesting the Special Magistrate to find that Corine Mackey, property owner of 5420 Landis Avenue, Port Orange, FL 32127, be found in 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) of the City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc., and Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and drainage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-070 in 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) of the City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc., and Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and drainage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Allman requested that the violations be corrected on or before November 9, 2015. If the accused does not comply with this Order, a fine of \$100 per day shall be assessed for each day the violations continue beyond November 9, 2015. Additionally, Mr. Allman requested that the City have the option to abate the violation as the property is a health and safety issue due to the condition. The abatement shall include mowing the lawn and removing the tarp and bricks off the roof. Mr. Allman also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on this cost sheet that

will be submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch is concerned about the living conditions. He believes the bricks are not the most secure way to keep the tarp on the roof. Anything that is not securely fixed to the roof shall be removed. Special Magistrate Branch does not want to assess a fine. Cost in the amount of \$41.16 is ordered.

4. **CEB Case No.:** 15-1564

Respondent: Barbara J. Davis

Address of Violation: 651 Tumblebrook Drive, Port Orange, FL 32127

Code Officer: Scott Allman

Compliance: Yes

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

Mr. Allman requested to dismiss case no. 15-1564 due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-15564.

5. **CEB Case No.:** 15-1490

Respondent: Kevyn Marshall & Sarah Surrusco JTRS

Address of Violation: 866 Chickadee Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/23/2015

Compliance: No

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

The violation was first observed on August 26, 2015. The alleged violators were given Notice of Violation/Notice of Hearing by property posting on September 23, 2015 at 3:20 p.m. Additionally, the Notice was also mailed via certified mail on September 28, 2015 to the property owners. The certified mail was returned to the City Clerk's Office marked "Not Deliverable as Addressed/Unable to Forward". The violation was to be corrected by October 8, 2015. Mr. Allman re-inspected the property on October 14, 2015 and October 26, 2015 resulting in non-compliance.

Mr. Allman presented photos dated September 23, 2015 and October 26, 2015. The photos indicate the overgrown lawn. Special Magistrate Branch admitted the photos into evidence.

Mr. Allman said this property is vacant and in foreclosure. Mr. Allman contacted Safeguard Property. Safeguard Property notified Mr. Allman that there is a pending bankruptcy and that caused them to stop serving the property in July. To be in compliance, the entire property need to be mowed.

Based on the information presented in case no. 15-1490, Mr. Allman requested the Special Magistrate to find that Kevyn Marshall & Sarah Surrusco JTRS, property owner of 866 Chickadee Drive, Port Orange, FL 32127, be found in 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) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-1490 in 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) of the City of Port Orange Code of Ordinances.

Mr. Allman requested that the violation be corrected on or before November 6, 2015. If the accused does not comply with this Order, the City has the option to abate the violation as the property is a health and safety issue due to the condition. Mr. Allman also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.88 as indicated on this cost sheet that will be submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Mr. Allman's recommendations.

6. **CEB Case No.:** 15-1494

Respondent: Shonn A. Isitt

Address of Violation: 5275 Oats Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 09/10/2015

Compliance: Yes

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

Ms. Faircloth request for case no. 15-1494 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1494.

7. **CEB Case No.:** 15-1520

Respondent: Geraldine L. Price

Address of Violation: 5361 Landis Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 09/24/2015

Compliance: No

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

The violation was first observed on August 31, 2015. The alleged violator was give Notice of Violation/Notice of Hearing on September 24, 2015 by property posting at 3:20 p.m. Additionally, the notice was also mailed via certified on September 25, 2015. The violation was to be corrected on October 5, 2015. Ms. Faircloth re-inspected the property on October 6, 2015 and October 26, 2015 resulting in non-compliance.

Ms. Faircloth presented photos dated September 24, 2015. The photos indicated the overgrown lawn and trash or type of debris. Special Magistrate Branch admitted the photos into evidence.

Based on the information presented in case no. 15-1520, Ms. Faircloth is requesting the Special Magistrate to find that Geraldine L. Price, property owner of 5361 Landis Avenue, Port Orange, FL 32127, be found in violation of the City of the Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (d)(f)(h).

Special Magistrate Branch found case no. 15-1520 in violation of the City of the Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (d)(f)(h).

Ms. Faircloth requested that the violation be corrected on or before November 6, 2015. If the accused does not comply with this Order, a fine of \$125 shall be imposed for each day the violation continues past November 6, 2015. Additionally, the City has the option to abate the violation as the property is a health and safety issue due to the condition. The yard debris shall be removed from the property with the abatement order. Ms. Faircloth also requested that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on this cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

Special Magistrate Branch ordered Ms. Faircloth's recommendation excluding the \$125 per day fine. Special Magistrate Branch believes a lien at the property would potentially affect occupancy.

8. **CEB Case No.:** 15-1489

Respondent: Cassandra A. Selliken JTRS & Lori A. Thompson JTRS

Address of Violation: 1145 Meditation Loop, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 09/22/2015

Compliance: Yes

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

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

Chapter 18, Article II, Section 18-33 (a) (b) of the City of Port Orange Code of Ordinances.

Ms. Faircloth request for case no. 15-1489 be dismissed due to compliance with the notice. Special Magistrate Branch dismissed case no. 15-1489.

9. **CEB Case No.:** 15-222

Respondent: RRRAC LLC

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

Code Officer: Deborah Faircloth

First Notified:

Compliance: No

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

Chapter 3, Section 304.7.

Ms. Faircloth said this case was found in violation. There were some time submittals set at that time. Ms. Faircloth said Mr. Mangar did hire a structural analysis consultant. Ms. Faircloth submitted a copy of the plan review report that was furnished to Mr. Mangar's general contractor and the structural analysis consultant. The Building Department has looked at the plans and provided comments to the contractor. A permit has not been issued but has been working very closely with the building department. Ms. Faircloth requested to give Mr. Mangar until December 9, 2015. She feels very confident that the permit can be issued without bringing this case back to the Magistrate again.

Kerry Leuzinger, Building Official, was duly sworn by Special Magistrate Branch. Special Magistrate Branch reviewed the report with Mr. Leuzinger. Mr. Leuzinger said that the report was fine. The report is acceptable for the Building Department. Once the comments are addressed by the applicant, the City will be ready to issue a permit.

Special Magistrate Branch asked if there is a timeline for the applicant to respond to the City's comments. Mr. Leuzinger said it is up to the applicant.

Special Magistrate Branch admitted the consultant's report into evidence.

Mr. Mangar asked about the occupancy in room's #4 and #5. Mr. Leuzinger said he sees no issue with renting out room #4 based upon the report.

Special Magistrate Branch asked if there has been a previous order regarding closing room #4 and #5. Ms. Faircloth said no. It was understood once the inspections were conducted. Both rooms were posted and have not been occupied since. The understanding is incorporated within the meeting minutes.

Special Magistrate Branch requested a written order to include room #5 to continue to remain unoccupied until the issues are resolved. Special Magistrate Branch said he is fine with occupying room #4. This case will be continued this case until December 9, 2015.

C. ORDER IMPOSING FINE/LIEN

10. CEB Case No.: 15-1228

Respondent: Kimberly Seely Stacy

Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/13/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc., prohibited, (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

This case was first heard on September 23, 2015. At that time, the property was found in violation of Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc., prohibited, (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances. The respondent was to have taken certain corrective action no later than September 30, 2015. A re-inspection resulted in non-compliance. There are no daily fines in this case. Included as part of this lien, the Respondent shall pay all cost incurred by the City of Port Orange in the prosecution of this case before the Magistrate and all cost of abatement, said cost being in total amount of \$85.86 with abatement cost of \$125.00.

Special Magistrate Branch ordered cost in the amount of \$85.86 and abatement cost of \$125.00.

11. CEB Case No.: 15-1298

Respondent: Eugene & Candy Gentile

Address of Violation: 477 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

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.

Mr. Allman said this case was first heard on September 23, 2015. At that time, the property was found in 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) of the City of Port Orange Code of Ordinances. The respondent was to have taken certain corrective action no later than October 2, 2015. A re-inspection resulted in non-compliance. There are no daily fines in this case. Included as part of this lien, the Respondent shall pay all cost incurred by the City of Port Orange in the prosecution of this case before the Magistrate and all cost of abatement, said cost being in total amount of \$119.66 with abatement cost of \$225.00.

Special Magistrate Branch ordered cost in the amount of \$119.66 and abatement cost of \$225.00.

12. **CEB Case No.:** 15-1377

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3) of the City of Port Orange Code of Ordinances.

Mr. Allman said this case was first heard on September 23, 2015. At that time, the property was found in violation of Chapter 42, Article II, Section 42-26 (d). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3) of the City of Port Orange Code of Ordinances. The respondent was to have taken certain corrective action no later than October 2, 2015. There are no daily fines in this case. Included as part of this lien, the Respondent shall pay all cost incurred by the City of Port Orange in the prosecution of this case before the Magistrate and all cost of abatement, said cost being in total amount of \$104.58 with abatement cost of \$140.00.

Special Magistrate Branch ordered cost in the amount of \$104.58 and abatement cost of \$140.00.

D. PUBLIC COMMENTS: There were none.

E. ADJOURNMENT: 10:45 p.m.

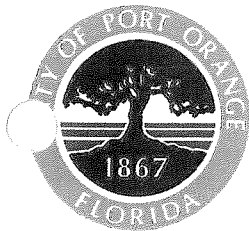
Special Magistrate Raymond Branch

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	11/11/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	11/11/2015		\$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:

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.

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 \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **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

☒ 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

☒ Hand-delivered: Akram Batniji
☐ Posted at the property

this 8th day of September, 2015.

Time: approx. 12:17 pm

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
Property Appraiser

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



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[Notice of Proposed Taxes](#)
[Estimate of Taxes](#)

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 BATNJI
("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: [Signature]
as Attorney in Fact
Signed By: Raymond H. Fraser, Jr.
Printed Name: Raymond H. Fraser, Jr.
As It's: Attorney In Fact

(Witness Signature)

JOHN C. HARRIS
(Print Name of Witness)

[Signature]
(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, 2012, by Raymond H. Fraser, Jr. as Attorney In Fact, 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

Special Warranty Deed (Cash) - Page 5
For use with "fdicfortmresalescontract_SWD_recorp_040411_final.doc"
04APR11MJH
fdicswdK_sw_d_REC_040411.doc

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: Opheelia 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: Beneva V. Young

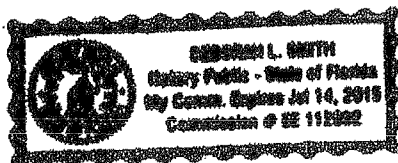
Printed Name: Beneva V. Young

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

Printed Name of Notary: Deborah L. Smith

Commission No.: EE 112500

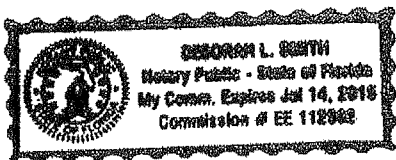
My Commission expires: 7-14-2015

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 II (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

Printed Name of Notary: Deborah L. SmithCommission No.: EE 112502My Commission expires: 7-14-2015STATE 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, Duval County, Florida, and the same is in full force and effect.

WITNESS my hand and seal of Clerk of Circuit Court, Duval County, Florida, this the 29th day of March, 2012.

[Signature]
Clerk of Circuit Court, Duval County, Florida
By [Signature]
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.

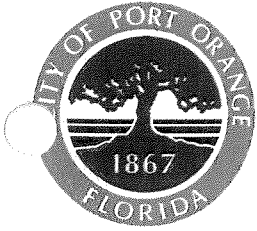
(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

Case Cost Sheet Log

Case No. 15-1550

Name	Activity	Activity_Date	Status	Cost
Gerald R. Miller	Mailing Notice of Violation/Notice of Hearing to 150 Dunham Blvd., Celoron, NY 14720	10/07/2015	Item departed our USPS facility in ROCHESTER, NY 14692 on October 30, 2015 at 2:07 pm. The item is currently in transit to the destination.	\$6.73
Gerald R. Miller	Mailing Finding of Fact/Conclusion of Law & Order to 150 Dunham Blvd., Celoron, NY 14720	11/11/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	11/11/2015		\$27.00

Total: \$40.94



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1550

To: Gerald R. Miller
Property Owner
150 Dunham Boulevard
Celoron, NY 14720

Re: 713 Dove Avenue
Port Orange, FL 32129
Parcel ID: 6305-05-05-0100

LEGAL DESCRIPTION: LOT 10 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 4948 PG 4215 & OR 5916 PG 4997

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 8, 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. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Property was originally inspected on September 8, 2015 after receiving an anonymous complaint concerning the high grass at this location. Property was found to be very overgrown and appeared to be vacant. A 3 day door hanger was left asking resident to mow and maintain the property. A re-inspection was conducted on September 30, 2015 and violation has not been corrected.

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 15, 2015 BY MOWING ENTIRE PROPERTY TO INCLUDE WEED EATING, EDGING, ETC. AND REMOVING HIGH GRASS AND WEEDS IN LANDSCAPED BEDS, AROUND TREES AND BUSHES AND AROUND EXTERIOR OF HOME AND FENCE LINE.

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.73 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 11, 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 **January 13th 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 5th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

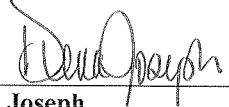
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Gerald R. Miller, Property Owner, 150 Dunham Boulevard, Celoron, NY 14720**, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 5th day of October, 2015.

Time: approx. 11:55 AM


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Gerald R. Miller, Property Owner, 150 Dunham Boulevard, Celoron, NY 14720, was

☒ Posted at City Hall

☒ Sent via certified

this 7 day of October, 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 Property Appraiser

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



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6305-05-05-0100 2015 Preliminary Tax Roll Last Updated: 10-04-2015

Owner Name and Address

Alternate Key	3588461	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-05-05-0100	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-05-05-0100	2014 Final Mill Rate	21.15960
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	MILLER GERALD R		
Owner Name/Address 1			
Owner Address 2	150 DUNHAM BLVD		
Owner Address 3	CELORON NY		
Owner Zip/Postal Code	14720		
Situs Address	713 DOVE AV PORT ORANGE 32129		

Legal Description

LOT 10 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 4948 PG 4215 & OR 5916 PG 4997

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5916 4997	09/2006	Warranty Deed	Distress sale	Yes	75,000
4948 4215	10/2002	Warranty Deed	Addition after sale	Yes	43,000
3389 0426	11/1989	Warranty Deed	Qualified Sale	Yes	39,900
2319 1747	12/1981	Warranty Deed	Qualified Sale	Yes	11,900

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2014	20,200	23,453	0	43,653	43,653	43,653	0	43,653	0	43,653
2013	20,200	24,487	0	44,687	44,687	44,687	0	44,687	0	44,687

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	0.0	0.0	1.00	LOT	16150.50	100	100	101	100	16,312
Neighborhood 5986 LAURELWOOD ESTATES M-H SUB											
Total Land Classified											0
Total Land Just											16,312

Building Characteristics

Building Number: 111850 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111850	Mobile Home	158	1981	200	Mobile Home	62%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	3	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C			Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1981	N	0%	0%	910 Sq. Feet	
002	Unfinished Utility (UST)	Non-Applicable	1.0	1981	N	0%	0%	72 Sq. Feet	
003	Carport, Unfinished (UCP)	Non-Applicable	1.0	1981	N	0%	0%	288 Sq. Feet	
006	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1981	N	0%	0%	270 Sq. Feet	

09/19/2006 01:24 PM
Doc stamps 525.00
(Transfer Amt \$ 75000)
Instrument# 2006-235983 # 1
Book: 5916
Page: 4997
Diane M. Matousek
Volusia County, Clerk of Court

This Document Prepared By and Return to:
Tami Jo Chinn
Waterside Title Co.
1092 Ridgewood Avenue
Holly Hill, Florida 32117

Parcel ID Number: 6305-05-05-0100

Warranty Deed

This Indenture, Made this 14 day of September, 2006 A.D., Between
Mary Anne Podbielski, a single woman

of the County of Ocean, State of New Jersey, grantor, and
Gerald R. Miller, a married man

whose address is: 150 Dunham Boulevard, Celoron, NY 14720

of the County of Chautauqua, State of New York, 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 10, LAURELWOOD MOBILE ESTATES UNIT V, according to the plat
thereof, recorded in Map Book 35, Page 15 of the Public Records of
Volusia County, Florida.

Together with that certain 1981 Liberty Mobile Home, identification

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

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

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

Signed, sealed and delivered in our presence:

James A. Kauer
Printed Name: James A. Kauer
Witness

Dawn M. Parks
Printed Name: DAWN-M. PARKS
Witness

Mary Anne Podbielski (Seal)
Mary Anne Podbielski
P.O. Address: 518 Roberts Road, Toms River, NJ 08755

STATE OF New Jersey
COUNTY OF Ocean

The foregoing instrument was acknowledged before me this 14th day of September, 2006 by
Mary Anne Podbielski, a single woman

she is personally known to me or she has produced her Driver's license as identification

Cecelia Bauer
Printed Name: CECELIA BAUER
Notary Public
My Commission Expires: August 14, 2010
Notary Public of New Jersey

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

Case Cost Sheet Log

Case No. 15-1386

Name	Activity	Activity_Date	Status	Cost
David M. Powell	Mailing Notice of Violation/Notice of Hearing to 775 Sugar Cane Lane, Port Orange, FL 32129	10/07/2015	Certified Green Card Signed by David Powell and Returned to City Clerk's Office.	\$6.95
David M. Powell	Mailing Finding of Fact/Conclusion of Law & Order	11/11/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	11/11/2015		\$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. 15-1386

To: David M. Powell
Property Owner
775 Sugar Cane Lane
Port Orange, FL 32129

Re: 775 Sugar Cane Lane
Port Orange, FL 32129
Parcel ID: 6337-08-03-0920

LEGAL DESCRIPTION: LOT 92 SUGAR FOREST PHASE III MB 35 PG 1 PER OR 3326 PG 1302
PER D/C 6194 PG 0689 PER OR 6194 PG 0694

Volusia County Public Records
Volusia County, FL

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 5 (Plumbing and Fixture Requirements), Section 507 (Storm Drainage), 507.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance.

An inspection of the property was conducted on **August 13, 2015** after receiving a complaint regarding the condition of the property and issues with the roof draining onto the complainant's property. Inspection revealed that the grass and weeds are very high and there are vines growing on the exterior of the home. In addition, the gutters are blocked with weeds and debris which is resulting in water from the roof draining onto the adjoining property. Being that this is a continuous problem with the lawn and that the residents have received a notice of violation previously, no door hanger was left. The property continuously contains high weeds and grass and is not being maintained in a manner that is in compliance with city ordinances. This notice shall serve as notification of the violations and the time frame for correction.

A re-inspection was conducted on **September 30, 2015** resulting in non-compliance. Due to the extreme height of the grass in areas, case is to be considered a health and safety violation due to the possible harboring of snakes, insects, and rodents

Comments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE VIOLATIONS MUST BE CORRECTED NO LATER THAN OCTOBER 15, 2015 BY MOWING THE ENTIRE PROPERTY TO INCLUDE WEED EATING AROUND TREES, LANDSCAPED AREAS AND AROUND EXTERIOR OF HOME. GUTTERS MUST BE CLEANED OF ALL HIGH WEEDS AND BLOCKAGE SO AS NOT TO CREATE A PUBLIC NUISANCE ON THE NEIGHBORING PROPERTY.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate 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 **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 **November 11, 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 January 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 5th day of October, 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 David M. Powell, Property Owner, 775 Sugar Cane Lane, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:17 PM

this 5th day of October, 2015.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David M. Powell, Property Owner, 775 Sugar Cane Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 7 day of October, 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
Property Appraiser

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



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Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6337-08-03-0920 2015 Preliminary Tax Roll Last Updated: 10-04-2015

Owner Name and Address

Alternate Key	3684303	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-08-03-0920	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-08-03-0920	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	POWELL DAVID M		
Owner Name/Address 1			
Owner Address 2	775 SUGAR CANE LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	775 SUGAR CANE LN PORT ORANGE 32129		

Legal Description

LOT 92 SUGAR FOREST PHASE III MB 35 PG 1 PER OR 3326 PG 1302 PER D/C 6194 PG 0689 PER OR 6194 PG 0694

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6194 0694	02/2008	Warranty Deed	Distress sale	Yes	168,000
3326 1302	06/1989	Warranty Deed	Qualified Sale	Yes	88,000
2025 0448	10/1978	Warranty Deed	Qualified Sale	No	9,500

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	25,300	85,999	653	111,952	111,952	111,952	0	111,952	0	111,952
2013	26,237	84,116	680	111,033	111,033	111,033	0	111,033	0	111,033

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	90.0	117.0	90.00	FRONT FEET	270.00	104	100	100	100	25,300
Neighborhood 5340 BANBURY SUB (6337-14)											
Total Land Classified											0
Total Land Just											25,300

Building Characteristics

Building Number: 120345 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120345	Single Family	188	1979	325		22%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	3	4 Fixture Bath			0
Roof Cover	ASPHALT SHINGL	Wall Type	Drywall	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Concrete Slab	Year Remodeled		Fireplaces	1	A/C			Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	WOOD ON SHEATING OR PLYWD	1.0	1979	N	0%	0%	1797 Sq. Feet
002	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1979	N	0%	0%	300 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1979	N	0%	0%	552 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1979	N	0%	0%	70 Sq. Feet

This Warranty Deed

Made this **15th** day of **February A.D. 2008**
by **Richard A. Belcher, Sr., a single person** by
Eileen M. Lindley, his Attorney-in-Fact

hereinafter called the grantor, to
David M. Powell, a single person

whose post office address is:
775 Sugar Cane Lane
Port Orange, Florida 32127
hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of **\$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 92, SUGAR FOREST PHASE III, according to the plat thereof as recorded in Map Book 35, Pages 1 and 2, Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6337-08-03-0920

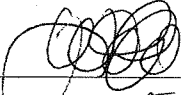
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

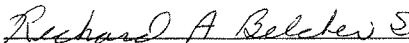
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2007.

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

Signed, sealed and delivered in our presence:



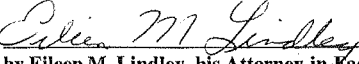
Witness Printed Name John White



Richard A. Belcher, Sr., (Seal)
Address: _____



Witness Printed Name DENISE E Hedrick



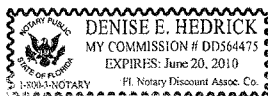
by Eileen M. Lindley, his Attorney-in-Fact (Seal)
Address: _____

State of **Florida**
County of **Volusia**

The foregoing instrument was acknowledged before me this **15th** day of **February, 2008**, by
Eileen M. Lindley, Attorney-in-Fact for Richard A. Belcher, Sr., a single person
who is/are personally known to me or who has produced **driver's license** as identification.



Notary Public
Print Name: _____
My Commission Expires: _____



PREPARED BY: Denise E. Hedrick
RECORD AND RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
FILE No.:08-0080

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

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

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

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

SECTION 506 SANITARY DRAINAGE SYSTEM

[P] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

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

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507 STORM DRAINAGE

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

Hasler
10/07/2015
\$06.95
ZIP 32129
011D11644012

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

David M. Powell
775 Sugar Cane Lane
Port Orange, FL 33129

Case #15-1386 SM 11/11/15

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *David Powell*

☒ Agent

☐ Addressee

B. Received by (Printed Name)

David Powell

C. Date of Delivery

10-9-15

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

7013 1710 0001 7995 9161

PS Form 3811, July 2013

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

David M. Powell

775 Sugar Cane Lane

Port Orange, FL 33129

PS Form 3811, July 2013 Case #15-1386 SM 11/11/15

Postmark
Here

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees \$

David M. Powell

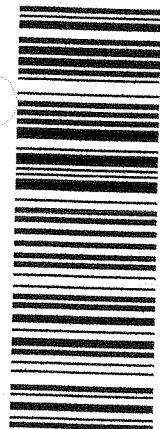
775 Sugar Cane Lane

Port Orange, FL 33129

PS Form 3811, July 2013 Case #15-1386 SM 11/11/15

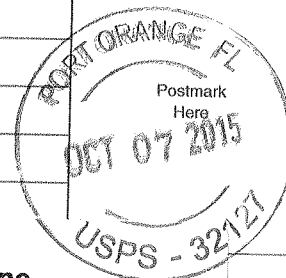
Instructions

CERTIFIED MAIL™



7013 1710 0001 7995 9161
7013 1710 0001 7995 9161

AFTER FIVE DAYS RETURN
CITY OF PORT C
1000 CITY CENTER CIRC
PORT ORANGE, FL 32129

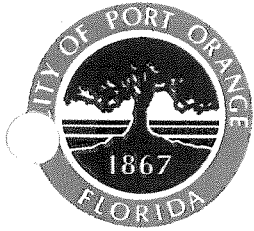


Case Cost Sheet Log

Case No. 15-1604

Name	Activity	Activity_Date	Status	Cost
John Thomas Siedlecki	Mailing Notice of Violation/Notice of Hearing to 1308 Clubhouse Drive, Chesapeake, VA 23322-8073	10/08/2015	Certified Green Card Signed by John T. Siedlecki on 10/13/15 and Returned to City Clerk's Office.	\$6.95
John Thomas Siedlecki	Mailing Finding of Fact/Conclusion of Law & Order to 1308 Clubhouse Drive, Chesapeake, VA 23322-8073	11/11/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	11/11/2015		\$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. 15-1604

To:
John Thomas Siedlecki
1308 Clubhouse Dr.
Chesapeake, VA 23322-8073

Re: 5408 Isabelle Avenue
Port Orange, FL 32127
Parcel ID: 6315-03-02-0180

LEGAL DESCRIPTION: LOT 18 BLK 2 COMMONWEALTH MOBILE ESTS MB 26 PG 111 PER OR 2808 PG 0486 PER
OR 5351 PG 2402

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 14, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d)(f)(h) Property shall be mowed, maintained and all undergrowth, trash and debris removed.

On September 14, 2015, I observed this property as being entirely overgrown with some trash and debris visible. I left a 3 day notice on the door to mow and maintain the entire property and remove any trash or debris. A reinspection on October 7, 2015, revealed that the grass has not been mowed nor has the small amount of trash been removed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **October 23, 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 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 **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 **November 11, 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 **January 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 9th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to John Thomas Siedlicki, 1308 Clubhouse Drive, Chesapeake, VA 23322-8073, was

☐ Hand-delivered

☒ Posted at the property (5408 Isabelle Ave., Port Orange, FL)

Time: approx. 2:40 pm this 9th day of October, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to John Thomas Siedlicki, 1308 Clubhouse Drive, Chesapeake, VA 23322-8073, was

☒ Posted at City Hall

☒ Sent via certified

this 8 day of October, 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
Property Appraiser**


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[Notice of Proposed Taxes](#)

[Estimate of Taxes](#)

Parcel Information: 6315-03-02-0180 2015 Preliminary Tax Roll Last Updated: 10-04-2015

Owner Name and Address

Alternate Key	3633555	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-03-02-0180	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-03-02-0180	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	SIEDLECKI JOHN THOMAS		
Owner Name/Address 1			
Owner Address 2	1308 CLUBHOUSE DR		
Owner Address 3	CHESAPEAKE VA		
Owner Zip/Postal Code	23322-8073		
Situs Address	5408 ISABELLE AV PORT ORANGE 32127		

Legal Description
LOT 18 BLK 2 COMMONWEALTH MOBILE ESTS MB 26 PG 111 PER OR 2808 PG 0486 PER OR 5351 PG 2402

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5351 2402	04/2004	Personal Rep.	Unqualified Sale	Yes	100
2808 0486	04/1986	Warranty Deed	Qualified Sale	Yes	27,500
2501 1334	10/1983	Warranty Deed	Unqualified Sale	Yes	100
1891 0740	03/1977	Warranty Deed	Qualified Sale	Yes	7,500

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	15,080	8,915	989	24,984	24,984	24,868	0	24,984	0	24,868
2013	13,340	8,233	1,034	22,607	22,607	22,607	0	22,607	0	22,607

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	58.0	100.0	58.00	FRONT FEET	260.00	100	100	100	100	15,080
Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG											
Total Land Classified											0
Total Land Just											15,080

Building Characteristics
Building Number: 115844 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
115844	Mobile Home	118	1973	200	Mobile Home	70%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Gas	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	1	7 Fixture Bath			0
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C			Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1973	N	0%	0%	564 Sq. Feet	
002	Patio (PTO)	Non-Applicable	1.0	1973	N	0%	0%	48 Sq. Feet	
003	Carport, Unfinished (UCP)	Non-Applicable	1.0	1973	N	0%	0%	312 Sq. Feet	
004	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1973	N	0%	0%	171 Sq. Feet	
005	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1973	N	0%	0%	54 Sq. Feet	

THIS INSTRUMENT PREPARED BY/RETURN TO:
S.I. VALBH, ATTORNEY
BOGIN, MUNNS & MUNNS
2601 TECHNOLOGY DRIVE
ORLANDO, FLORIDA 32804

07/01/2004 12:35 PM
Doc stamps .70
(Transfer Amt \$ 70)
Instrument# 2004-162346
Book: 5351
Page: 2402
Diane H. Matousek
Volusia County, Clerk of Court

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE, executed the 9th day of April, 2004, between JOHN THOMAS SIEDLECKI, as Personal Representative of the Estate of JOHN EDWARD SIEDLECKI, Deceased, whose address is 11675 Via Diana, El Cajon, California 92019, Party of the First Part, and JOHN THOMAS SIEDLECKI, Party of the Second Part, whose address 11675 Via Diana, El Cajon, California 92019.

WITNESSETH:

The Party of the First Part, pursuant to the authority of the Personal Representative to make distribution of the assets of the Decedent and the power of sale contained in the Last Will and Testament of the decedent, Probate Number PR-2004-PR-10887, Circuit Court in and for Volusia County, Florida, and in consideration of the premises and the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, grants, bargains, sells, aliens, remises, releases, conveys and confirms to the Party of the Second Part, and to his heirs and assigns forever, that certain real property situated in Volusia County, Florida, more particularly described as follows:

Lot 18, Block 2, Commonwealth Mobile Home Estates, as per map recorded in Map Book 26, Page 111, Public Records of Volusia County, Florida.

TOGETHER with all and singular the tenements, hereditaments and appurtenances belonging or in anyway appertaining to that real property.

TO HAVE AND TO HOLD the same to the Party of the Second Part, and to his heirs and assigns, in fee simple forever.

AND the Party of the First Part does covenant to and with the Party of the Second Part, his heirs and assigns, that in all things preliminary to and in and about the sale and this conveyance, the orders of the above-named Court and the laws of Florida have been followed and complied with in all respects.

IN WITNESS WHEREOF, the Party of the First Part has set his hand and seal on the day and year first above written.

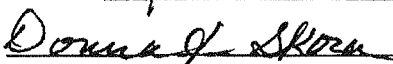
WITNESSES:



Print Name: Tyler Dan



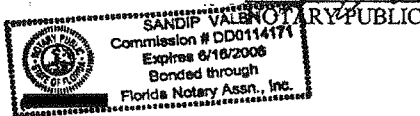
JOHN THOMAS SIEDLECKI



Print Name: DONNA J. SKORA

STATE OF FLORIDA)
COUNTY OF ORANGE) ss

The foregoing instrument was acknowledged before me this 9th day of April, by John Thomas Siedlecki, () who is personally known to me and did not take an oath. (X) who has produced DANIEL L. L. L. as identification and did take an oath stating he/she/they were indeed the person(s) set forth herein.



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.
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- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1604

John Thomas Siedlecki
1308 Clubhouse Dr.
Chesapeake, VA 23322-8073,

Respondent.

Property Address: 5408 Isabelle Ave., Port Orange, FL 32127
Parcel ID: 6315-03-02-0180

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 5408 Isabelle Ave., Port Orange, Florida 32127, is owned by John Thomas Siedlecki.
4. That 5408 Isabelle Ave., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5408 Isabelle Ave., Port Orange, Florida 32127, at 2:40 p.m. on the 7th day of October, 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 8th day of October, 2015.

Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 8th day of October, 2015, by Deborah Faircloth, who is personally known to me.



Cynthia Dodson
Notary Public, State of Florida

Commission No. 4/22/16

FIRST-CLASS MAIL

Hasler

10/08/2015

\$06.95

US POSTAGE

ZIP 32129

011011644012

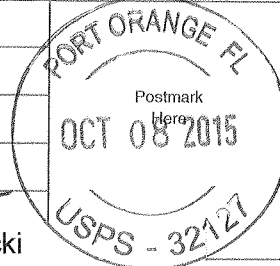


U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com®

OFFICIAL USE

Postage	\$ 1.70
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.95



John Thomas Siedlecki

1308 Clubhouse Dr.

Chesapeake, VA 23322-8073

Sent
 Street
 or P.O.
 City

PS Form Case #15-1604 SM 11/11/15 Instructions

SM 11/11/15

7013 1710 0001 7995 9130

Siedlecki
 e Dr.
 A 23322-8073

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

John Thomas Siedlecki
 1308 Clubhouse Dr.
 Chesapeake, VA 23322-8073

Case #15-1604 SM 11/11/15

2. Article Number
 (Transfer from service label)

PS Form 3811, July 2013

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X John T. Siedlecki

☐ Agent
☐ Addressee

B. Received by (Printed Name)

John T. Siedlecki

C. Date of Delivery

10/11/15

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

3. Service Type

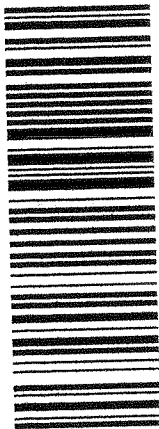
☐ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

7013 1710 0001 7995 9130

Domestic Return Receipt

CERTIFIED MAIL™



AFTER FIVE DAYS RETURN

CITY OF PORT

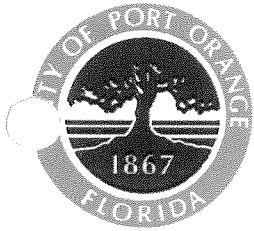
1000 CITY CENTER C/F
 PORT ORANGE, FL 321

Case Cost Sheet Log

Case No. 15-801

Name	Activity	Activity_Date	Status	Cost
White Fawn, LLC C/o Yiz Gong (Registered Agent)	Mailing Notice of Violation/Notice of Hearing to 153 White Fawn Drive, Daytona Beach, FL 32114	08/26/2015	Certified Green Card Signed and Returned to City Clerk's Office	\$6.95
White Fawn, LLC C/o Yiz Gong (Registered Agent)	Mailing Finding of Fact/Conclusion of Law & Order to 153 White Fawn Drive, Daytona Beach, FL 32114	11/11/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	11/11/2015		\$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. 15-801

To: White Fawn LLC
c/o Yiz Gong, Registered Agent
153 White Fawn Drive
Daytona Beach, FL 32114

Re: 5596 S. Lancewood Circle
Port Orange, FL 32127
Parcel ID: 6340-03-06-0550

LEGAL DESCRIPTION: LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 2502 PG 1359 PER OR 7100
PGS 0612-0614 INC

Volusia County Public Records
Volusia County, FL

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

2010 Florida Building Code, Chapter 1, Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 1. Simply stated, a Building Permit is required to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any impact resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by the code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

An anonymous complaint was reported that a new water heater, air conditioner, siding, front door, and miscellaneous work was done on this home without the proper permits. An inspection of the premises on May 5, 2015 indicated that a new door has been installed, siding installed in areas, the front porch mostly removed, and an old water heater was at the curb for pickup. I could not verify the new air conditioner or other interior work. I left a notice on the door to apply for the proper building permits within 10 days and placed a Stop Work order on the property. A phone call from a representative of this property after receiving the Stop Work order did not go well as cooperation was met with resistance. On May 28, 2015, an inspection of the property shows that it appears someone is living at the house. The porch has not been replaced. A plumbing permit has been applied for to cover the water heater but has not been issued and has been placed on hold due to the contractor's concerns and actions by individuals trying to obtain the permit in City Hall. As of June 15, 2015, no permit has been applied for the new door and the plumbing permit is still on hold. There is a penalty associated with both permits.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **July 6, 2015**, by having a licensed contractor apply for and receive all required permits associated with this property.

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 \$5,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 property.

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 **July 22, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 26, 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 15th day of June, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Yiz Gong, Registered Agent, 153 White Fawn Drive, Daytona Beach, FL 32114, was

☐ Hand-delivered

☒ Posted at the property (5596 S. Lancewood Circle, Port Orange, FL)

Time: approx. 3:15 pm

this 15th day of June, 2015.

Deborah Faircloth

Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Yiz Gong, Registered Agent, 153 White Fawn Drive, Daytona Beach, FL 32114, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 18 day of June, 2015.

Theresa Gutierrez
Theresa Gutierrez, Secretary to the
Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Appraisers' Office



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

Last Updated: 06-02-2015 Today's Date: 6-5-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	40-16-33-03-06-0550	Mill Group	402 Port Orange		
Short Parcel ID	6340-03-06-0550				
Alternate Key	3691229	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	WHITE FAWN LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	10 GLORIA CIR				
Owner Address 3	BURLINGTON MA				
Owner Zip Code	01803				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5596 S LANCEWOOD CIR PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 2502

PG 1359 PER OR 7100 PGS 0612-0614 INC

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	7100	0612	4/2015	Tax Deed	Unqualified Sale	Yes	50,600
2	2502	1359	10/1983	Warranty Deed	Qualified Sale	No	9,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	14,928	66,950	668	82,546	82,546	82,546	82,546	0	82,546	82,546	0	82,546
2013	14,928	62,475	693	78,096	78,096	78,096	77,912	0	78,096	78,096	0	77,912

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
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**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

WHITE FAWN LLC

Filing Information

Document Number	L13000003885
FE/EIN Number	N/A
Date Filed	01/08/2013
State	FL
Status	ACTIVE

Principal Address10 GLORIA CIRCLE
BURLINGTON, MA 01803**Mailing Address**10 GLORIA CIRCLE
BURLINGTON, MA 01803**Registered Agent Name & Address**GONG, YIZ
153 WHITE FAWN DRIVE
DAYTONA BEACH, FL 32114**Authorized Person(s) Detail****Name & Address**

Title MGRM

GONG, YIZ
10 GLORIA CIRCLE
BURLINGTON, MA 01803**Annual Reports**

Report Year	Filed Date
2014	01/22/2014
2015	02/24/2015

Document Images[02/24/2015 -- ANNUAL REPORT](#)[View image in PDF format](#)

shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

104.11.3 Accessibility. Alternative designs and technologies for providing access to and usability of a facility for persons with disabilities shall be in accordance with provisions of the *Florida Building Code, Accessibility*.

SECTION 105 PERMITS

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

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

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

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

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

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal or metering of any load management control device.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a *permit* shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the *permit* application shall be submitted within the next working business day to the *building official*.

105.2.2 Minor Repairs. Ordinary minor repairs may be made with the approval of the building official without a permit, provided the repairs do not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; additionally, ordinary minor repairs shall not include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Public service agencies. Reserved.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building department for that purpose. Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), *Florida Statutes*.

04/01/2015 08:27 AM
Doc stamps 354.20
(Transfer Amt \$ 50600)
Instrument# 2015-057045 # 1
Book: 7100
Page: 612

DR-506

Tax Deed File No. 15425-12

Property Identification No. [REDACTED]

TAX DEED

State of Florida
County of Volusia

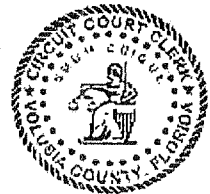
The following Tax Sale Certificate Numbered 15425-12 issued on 06/01/2012 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of the sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was on 03/31/2015, offered for sale as required by law for cash to the highest bidder and was sold to WHITE FAWN LLC whose address is 10 GLORIA CIRCLE BURLINGTON, MA 01803 being the highest bidder and having paid the sum of their bid as required by the Laws of Florida.

On this 1ST day of APRIL, 2015, in the County of Volusia, State of Florida, in consideration of the sum of (\$50,600.00) Fifty Thousand Six Hundred Dollars, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands situated in the County and State aforesaid and described as follows:

LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG 1359

Diane M. Matousek
Clerk of the Circuit Court of Volusia County

By: Lori Diggs
LORI DIGGS, Deputy Clerk
Volusia County, Florida



Witness:

Bonnie Clark
BONNIE CLARK

Allison V Mitchell
ALLISON V MITCHELL

STATE OF FLORIDA
COUNTY OF VOLUSIA

On this 1ST day of APRIL, 2015 before me AMANDA EARNEST personally appeared LORI DIGGS Deputy Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instruments, and the acknowledged the execution of this instrument to be their own free act and deed for the use and purposes therein mentioned.

Witness my hand and official seal date aforesaid.

Amanda Earnest
Amanda Earnest



AMANDA EARNEST
MY COMMISSION # FF 186242
EXPIRES: December 29, 2018
Bonded Thru Budget Notary Services

STATE OF FLORIDA
COUNTY OF VOLUSIA

CERTIFICATE NO. 15425-12

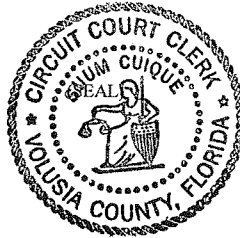
CERTIFICATE OF MAILING

I, DIANE M MATOUSEK, Clerk of the Circuit Court in and for the State and County aforesaid, do hereby certify that on 6TH of FEBRUARY AD, 2015, I mailed a copy of the attached Notice of Application for Tax Deed, addressed to:

TOMMY CHESSER at 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127,
LYNN CHESSER at 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127,
TOMMY CHESSER at 5604 LANCEWOOD CIRCLE SOUTH, HARBOR OAKS, FL 32127-6310,
LYNN CHESSER at 5604 LANCEWOOD CIRCLE SOUTH, HARBOR OAKS, FL 32127-6310,
* TOMMY CHESSER at 105 RAINS DRIVE, PONCE INLET, FL 32127,
* LYNN CHESSER at 105 RAINS DRIVE, PONCE INLET, FL 32127,
CLERK OF COURT at MISDEMEANOR DEPT 95-34989MMAES, PO BOX 6043, DELAND FL 32721-6043
BANK OF AMERICA NA at 100 NORTH TRYON STREET, CHARLOTTE, NC 28255,
CLERK OF COURT at MISDEMEANOR DEPT 98-51438MMAES, PO BOX 6043, DELAND FL 32721-6043

Witness my hand and official seal this 6TH of FEBRUARY, 2015.

THE HOLDER OF THIS TAX CERTIFICATE APPLIED FOR TAX DEED SALE. PER FLORIDA STATUTE §197.512, THE CERTIFICATE OF MAILING AND PROOF OF PUBLICATION ARE BEING RECORDED IN THE PUBLIC RECORD.



DIANE M MATOUSEK
CLERK OF THE CIRCUIT COURT

BY: Amanda Earnest
AMANDA EARNEST, Deputy Clerk

VOLUSIA REVIEW

Published Weekly
Daytona Beach, Volusia County, Florida

State of Florida,
County of Volusia

Before the undersigned authority personally appeared

Cynthia Anderson

who, on oath says that she is

LEGAL COORDINATOR

of the Volusia Review, a weekly newspaper, published at Daytona Beach, in Volusia County, Florida; that the attached copy of advertisement, being a

NOTICE OF APPLICATION FOR TAX DEEDS
15425-12

VR 2117830

in the Circuit Court, was published in said newspaper in the issues.

FEBRUARY 16, 23, MARCH 2, 9, 2015

Affiant further says that the Volusia Review is a newspaper published in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida once a week or oftener and has been entered as second-class mail matter at the post office in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and the affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

Sworn to and subscribed before me

This 9th of MARCH A.D. 2015

Cynthia E. Maley

49D

CYNTHIA E. MALEY
MY COMMISSION #EE878470
EXPIRES: FEB 26, 2017
Bonded through 1st State Insurance

LEGAL ADVERTISEMENT

NOTICE OF APPLICATION FOR TAX DEED

NOTICE IS HEREBY GIVEN, that PALM TREE TAX 2 PALM TREE TAX LLC CAPITAL ONE NA AS COLLATERAL ASSIGNEE the holder of the following tax deed filed and recorded in the public record to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:

Certificate No. 15425-12

Year of Issuance JUNE 1, 2012

Description of Property 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127

Assessed to TOMMY CHESSER

REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG 1389

Name in which assessed TOMMY & LYNN CHESSER

Said property being in the County of VOLUSIA, State of Florida.

Unless such certificate shall be recorded according to law the property described in such certificate shall be sold to the highest bidder on the date and at the place specified in the notice on the 31ST day of MARCH, 2015 at 9:00 O'CLOCK A.M.

Dated this 8TH day of FEBRUARY, 2015.

DIANE M. MATOUSEK

Clerk of the Circuit Court

By: /s/AMANDA EARNEST

AMANDA EARNEST

Deputy Clerk

Attention: Persons with Disabilities: If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Human Resources at 101 N. Alabama Avenue, Deland, FL 32724, (386) 822-2723, TDD/voice (7) working hours or email at hr@volusia.net if you are hearing or voice impaired call 711.

VR2117830, Feb. 16, 23, Mar. 2, 9, 2015 41

STATE OF FLORIDA
COUNTY OF VOLUSIA

CERTIFICATE NO. 15425-12

CERTIFICATE OF MAILING

I, DIANE M MATOUSEK, Clerk of the Circuit Court in and for the State and County aforesaid, do hereby certify that on 6TH of FEBRUARY AD, 2015, I mailed a copy of the attached Notice of Application for Tax Deed, addressed to:

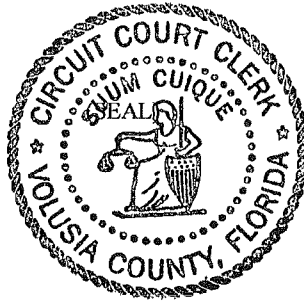
CITY OF PORT ORANGE at UTILITY SERVICES, 1000 CITY CENTER CIRCLE, PORT ORANGE
FL 32129

CITY OF PORT ORANGE at CODE ENFORCEMENT, 1000 CITY CENTER CIRCLE, PORT
ORANGE FL 32129

LORI A CHESSE at 5596 LANCEWOOD CIR S, PORT ORANGE FL 32127.

Witness my hand and official seal this 6TH of FEBRUARY, 2015.

THE HOLDER OF THIS TAX CERTIFICATE
APPLIED FOR TAX DEED SALE. PER FLORIDA
STATUTE §197.512, THE CERTIFICATE OF
MAILING AND PROOF OF PUBLICATION ARE
BEING RECORDED IN THE PUBLIC RECORD.



DIANE M MATOUSEK
CLERK OF THE CIRCUIT COURT

BY: Amanda Earnest
AMANDA EARNEST, Deputy Clerk

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-801

White Fawn LLC
c/o Yiz Gong, Registered Agent
153 White Fawn Drive
Daytona Beach, FL 32114,

Respondent.

Property Address: 5596 S. Lancewood Circle, Port Orange, FL 32127
Parcel ID: 6340-03-06-0550

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARINGS

STATE OF FLORIDA
COUNTY OF VOLUSIA

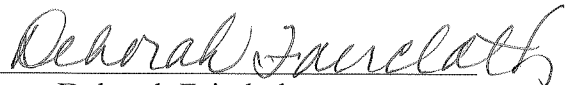
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 5596 S. Lancewood Circle, Port Orange, Florida 32127, is owned by White Fawn LLC.
4. That 5596 S. Lancewood Circle, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5596 S. Lancewood Circle, Port Orange, Florida 32127, at 3:15 p.m. on the 15th day of June, 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.

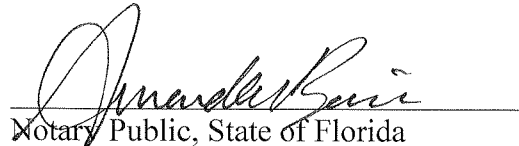
DATED this 16th day of June, 2015.



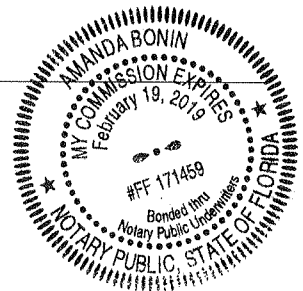
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 16th day of June, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

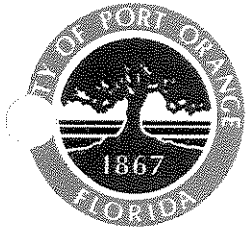


Case Cost Sheet Log

Case No. 15-1576

Name	Activity	Activity_Date	Status	Cost
William C. Partin	Mailing Notice of Violation/Notice of Hearing to 5584 Lancewood Drive, Port Orange, FL 32128	10/08/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed/Unable To Forward".	\$6.95
William C. Partin	Mailing Finding of Fact/Conclusion of Law & Order to 5584 Lancewood Drive, Port Orange, FL 32128	11/11/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	11/11/2015		\$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. 15-1576

To:
William C. Partin
5584 Lancewood Dr.
Port Orange, FL 32127

Re: 5584 Lancewood Dr.
Port Orange, FL 32127
Parcel ID: 6340-02-04-0100
LEGAL DESCRIPTION: LOT 10 BLK 4 BAYWOOD MB 23 PG 14 & 15 INC PER OR 4178 PG 305

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 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:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d)(f)(h) Property shall be mowed, maintained and all undergrowth, trash and debris removed.

On September 10, 2015, a complaint was received regarding the overgrowth and high weeds and grass at this location. Upon inspection on same date, I observed that the entire property needs to be mowed and maintained, all trash and debris removed, and all undergrowth removed from around buildings and fence. I left a 3 day notice to comply. A reinspection of the property on September 22, 2015, showed no compliance.

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 23, 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 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 **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

At the event the **Special Magistrate**, during the hearing on **November 11, 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 **January 13, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 7th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to William C. Partin, 5584 Lancewood Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 7th day of October, 2015.

Time: approx. 2:55 pm

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to William C. Partin, 5584 Lancewood Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 8 day of October, 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 shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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


**Volusia County
Property Appraiser**


Morgan S. Silvestri Jr.
M.A., A.S.A., C.F.A.

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Parcel Information: 6340-02-04-0100 2015 Preliminary Tax Roll Last Updated: 10-04-2015

Owner Name and Address

Alternate Key	3690001	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6340-02-04-0100	Mill Group	402 Port Orange
Full Parcel ID	40-16-33-02-04-0100	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	PARTIN WILLIAM C		
Owner Name/Address 1			
Owner Address 2	5584 LANCEWOOD DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5584 LANCEWOOD DR PORT ORANGE 32127		

Legal Description
LOT 10 BLK 4 BAYWOOD MB 23 PG 14 & 15 INC PER OR 4178 PG 305

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4178 0305	02/1997	Warranty Deed	Qualified Sale	Yes	62,000
3895 4610	01/1994	Warranty Deed	Unqualified Sale	Yes	53,000
3891 3971	11/1993	Warranty Deed	Unqualified Sale	Yes	60,000
3049 1088	10/1987	Unknown	Unqualified Sale	Yes	100
2678 0827	04/1985	Quit Claim Deed	Affiliated Parties	Yes	25,000

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	15,360	33,603	27,895	76,858	65,799	65,799	25,000	40,799	15,799	25,000
2013	15,360	31,396	26,196	72,952	64,827	64,827	25,000	39,827	14,827	25,000

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	70.0	110.0	70.00	FRONT FEET	250.00	91	100	100	100	16,000
Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)											0
Total Land Classified											16,000
Total Land Just											16,000

Building Characteristics
Building Number: 120884 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120884	Single Family	120	1958	300		52%	0%	0%	2999
Roof Type	GABLE	Floors		Cork/Vinyl Tile	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Convection	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	1	A/C		No

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001 Res BASE Area (BAS)		PREFAB WOOD PANEL	1.0	1958	N	0%	0%	864 Sq. Feet
002 Finished Enclosed Porch (FEP)		Non-Applicable	1.0	1985	N	0%	0%	423 Sq. Feet
003 Wood Deck (WDK)		Non-Applicable	1.0	1997	N	0%	0%	160 Sq. Feet

This Warranty Deed

Made this 14th day of February A.D. 1997
by
Richard W. Hilliard and Denise Hilliard,
husband and wife

hereinafter called the grantor, to
William C. Partin, a married man

whose post office address is: 5584 N. Lancewood Circle
Harbor Oaks, Florida
32127

Grantees' SSN: [REDACTED]
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 10, Block 4, Baywood Subdivision, according to the map or plat thereof, as recorded in Map Book 23, pages 14 and 15, of the Public Records of Volusia County, Florida.

SUBJECT TO taxes for the current year, any and all easements, restrictions, and reservations of record, if any, the mention of which shall not serve to reimpose the same and all zoning ordinances affecting said property.

Parcel Identification Number: 6340-02-04-0100

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, 1996

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

Signed, sealed and delivered in our presence:

Name: Barbara J. Morgan
Barbara J. Morgan

Name: Lisa M. Short
Lisa M. Short

Name: _____

Name: _____

Name & Address: Richard W. Hilliard LS

Name & Address: Denise Hilliard LS
Denise Hilliard

Name & Address: _____ LS

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 14th day of February, 1997,
by Richard W. Hilliard and Denise Hilliard, husband and wife

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

PREPARED BY: Surfside Title Services, Inc.
RECORD & RETURN TO:
Surfside Title Services, Inc.
220 Dunlawton Avenue
Port Orange, Florida 32127
File No: 06038

Print Name: Barbara J. Morgan
Notary Public
My Commission Expires:



Barbara J. Morgan
MY COMMISSION # 00502748 EXPIRES
January 29, 2000
BONDED THIRD TRUST FARM INSURANCE, INC.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1576

William C. Partin
5584 Lancewood Drive
Port Orange, FL 32127,

Respondent.

Property Address: 5584 Lancewood Drive, Port Orange, FL 32127
Parcel ID: 6340-02-04-0100

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 5584 Lancewood Dr., Port Orange, Florida 32127, is owned by William C. Partin.
4. That 5584 Lancewood Dr., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5584 Lancewood Dr., Port Orange, Florida 32127, at 2:55 p.m. on the 7th day of October, 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 8th day of October, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 8th day of October, 2015, by Deborah Faircloth, who is personally known to me.



Cynthia Dodson
Notary Public, State of Florida

Commission No. 4/22/16