



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, December 9, 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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 15-1343

Respondent: SBC II REO LLC

C/O Summit Inv. Mgmt. Brian Ekback

Address of Violation: 3450 Ridgewood Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/16/2015

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 3 (General Requirements), Section 301 (General), 301.3 Vacant Structures and land of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

4. CEB Case No.: 15-1531

Respondent: Kay Talbott Caldwell TR

Address of Violation: 309 Magnolia St., Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/06/2015

Compliance: Yes

Cited for violation(s) - Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.2 (Receptacles) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 15-1746

Respondent: Joseph Magurezek

Address of Violation: 407 Grant St., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/06/2015

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

Chapter 70 (Traffic), Article II (Stopping, Standing and 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: (c) Restrictions.

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

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

6. **CEB Case No.:** 15-1772

Respondent: John M. Sofio

Address of Violation: 30 E. Bayshore Lane, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 10/15/2015

Compliance: No

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

7. CEB Case No.: 15-1427

Respondent: Jimmie Thompason & Susie Rimmer

Address of Violation: 5271 Taylor Ave., Port Orange, FL 32174

Code Officer: Deborah Faircloth

First Notified: 10/21/2015

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.

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) Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of Vehicles, Furniture, etc.) of the City of Port Orange Code of Ordinances.

8. CEB Case No.: 15-1744

Respondent: Shirley A. Rose

Address of Violation: 5109 Taylor Rd., Port Orange, FL 32174

Code Officer: Deborah Faircloth

First Notified: 10/29/2015

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

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, 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, Article II (Stopping, Standing, Parking) Section 70-49 Restrictions on disabled or abandoned vehicles (c) Restrictions (1) of the City of Port Orange Code of Ordinances.

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

9. **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: 06/18/2015

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.

10. **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.

11. **CEB Case No.:** 15-1347

Respondent: Audrey M. Howard

Address of Violation: 1137 Bayview Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/13/2015

Compliance: Yes

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.

12. **CEB Case No.:** 15-1360

Respondent: Jeffrey James & Kimberly Ann English

Address of Violation: 5487 Ward Lake Drive, Port Orange, FL 32128

Code Officer: Scott Allman

First Notified: 10/13/2015

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.

13. **CEB Case No.:** 15-768

Respondent: Lynn Nelson & Dolores Ann Nelson JTWROS

Address of Violation: 6509 Baywood Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/13/2015

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

14. **CEB Case No.:** 15-1560

Respondent: Jacqueline M. Acosta & Donald A. Acosta

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

Code Officer: Scott Allman

First Notified: 10/19/2015

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.

15. **CEB Case No.:** 15-1683

Respondent: Peter H. Easterbrook

Address of Violation: 5756 Dogwood Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/20/2015

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.

16. **CEB Case No.:** 15-1799

Respondent: Access Funding, LLC

Address of Violation: 560 Newton Rd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/03/2015

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.

17. **CEB Case No.:** 15-1438

Respondent: Paul Dematteo

Address of Violation: 1429 Richel Dr., Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 11/03/2015

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.13 Window, Skylight and door frames.

18. **CEB Case No.:** 15-1732

Respondent: MCM Capital Partners LLC TR
%Aldridge Connors LLP

Address of Violation: 105 Kent Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/03/2015

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.

19. **CEB Case No.:** 15-1353

Respondent: Akram Batniji

Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 09/08/2015

Compliance: No

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

C. ORDER IMPOSING FINE/LIEN

20. 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: 09/09/2015

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.

21. 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: 09/25/2015

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.

22. CEB Case No.: 15-1490

Respondent: Marshall Kevyn & Sarah Surrusco JTRS

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

Code Officer: Scott Allman

First Notified: 09/28/2015

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.

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

Case Cost Sheet Log

Case No. 15-1343

Name	Activity	Activity_Date	Status	Cost
SBC II REO LLC C/O Summit Inv. Mgmt. Brian Ekback	Mailing Notice of Violation/Notice of Hearing to 1700 Lincoln Street, Suite 2150, Denver, CO 80203	10/19/2015	Certified Green Card Signed and Returned to City Clerk's Office.	\$6.95
SBC II REO LLC C/O Summit Inv. Mgmt. Brian Ekback	Mailing Finding of Fact/Conclusion of Law & Order to 1700 Lincoln Street, Suite 2150, Denver, CO 80203	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1343

To: SBC II REO LLC
C/O Summit Inv Mgmt Brian Ekback
1700 Lincoln Street
Suite 2150
Denver, CO 80203

Re: 3450 Ridgewood Avenue
Port Orange, FL 32129
Parcel ID: 6303-02-01-0010

LEGAL DESCRIPTION: LOTS 1 TO 8 INC EXC PART IN ST RD 5 & LOT 9 & E 11 FT OF LOT 10 & E 36 FT OF LOTS 14 & 15
BLK 1 HERRICH TERRACE PORT ORANGE PER OR 3991 PG 3892 PER OR 5646 PG 0924 PER OR
6992 PG 0977

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **August 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:

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances:

The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep 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.

Chapter 3 (General Requirements), Section 301 (General), 301.3 Vacant Structures and land of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

While in the area, I noticed that the grass at this location was very high once again and needed to be mowed and the property cleaned up. I left a 5 day door hanger asking that the property be mowed in its entirety. In addition, I received information from the Port Orange Police Department that the structure is not secure and is being occupied by transients. To correct the violations, the property must be mowed in its entirety to include weed eating, edging, etc. to include maintenance of the landscaped beds and landscaped areas. Also, all doors and windows must be secured and locked to avoid entrance by transients and vagrants. This will include the boarding up of broken windows, if any, and properly securing entrances and exits to the building.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

**THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST
BE CORRECTED BY OCTOBER 26, 2015.**

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

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

THE BURDEN SHALL REST UPON THE RESPONDENT TO REQUEST A RE-INSPECTION BY THE CODE COMPLIANCE INSPECTOR TO DETERMINE WHETHER THE PROPERTY IS IN COMPLIANCE.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a **PUBLIC HEARING** will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate 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 **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 **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a **2nd PUBLIC HEARING** will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on 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 16th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **C II REO LLC, C/O Summit Inv Mgmt Brian Ekback, Property Owner, 1700 Lincoln Street, Suite 2150, Denver, CO 80203**

..ds

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 11:30 AM

this 11th 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 **SBC II REO LLC, C/O Summit Inv Mgmt Brian Ekback, Property Owner, 1700 Lincoln Street, Suite 2150, Denver, CO 80203**, was

☒ Posted at City Hall
☒ Sent via certified

this 19 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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

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

Parcel Information: 6303-02-01-0010 **2015 Preliminary Tax Roll** Last Updated: 09-20-2015

Owner Name and Address

Alternate Key	3576021	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6303-02-01-0010	Mill Group	402 Port Orange
Full Parcel ID	03-16-33-02-01-0010	2014 Final Mill Rate	21.15960
Created Date	30 DEC 1981		
Property Class	11 Stores, One Story		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	SBC II REO LLC		
Owner Name/Address 1	%SUMMIT INV MGMT BRIAN EKBACK		
Owner Address 2	1700 LINCOLN ST STE 2150		
Owner Address 3	DENVER CO		
Owner Zip/Postal Code	80203		
Situs Address	3450 RIDGEWOOD AV PORT ORANGE 32129		

Legal Description
 LOTS 1 TO 8 INC EXC PART IN ST RD 5 & LOT 9 & E 11 FT OF LOT 10 & E 36 FT OF LOTS 14 & 15 BLK 1 HERRICH TERRACE PORT ORANGE
 PER OR 3991 PG 3892 PER OR 5646 PG 0924 PER OR 6992 PG 0977

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6998	3265	06/2014	Certificate of Title	Government acquisition	Yes	100
6992	0977	05/2014	Certificate of Title	Government acquisition	Yes	100
5646	0924	08/2005	Warranty Deed	Qualified Sale	Yes	610,000
3991	3892	03/1995	Warranty Deed	Addition after sale	Yes	100,000
1614	0702	07/1973	Warranty Deed	Qualified Sale	Yes	50,000
1614	702	07/1973	Warranty Deed	Unqualified Sale	Yes	50,000

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	96,850	71,944	11,870	180,664	180,664	180,664	0	180,664	0	180,664
2013	96,850	64,916	11,870	173,636	173,636	173,636	0	173,636	0	173,636

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
1100	STORE 1FLR	200.0	149.0	29800.00	SQUARE_FEET	3.25	100	100	100	100	96,850
Neighborhood C5508 PORT ORANGE- US-HWY 1											
Total Land Classified											0
Total Land Just											96,850

Building Characteristics
 Building Number: 110717 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
110717	Commercial	Wood, Open Steel	460	1945	325	30%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	9.00	1	1945	0.00	2200	Retail Store (11C)	100.00	No	Yes
002	9.00	1	1945	0.00	320	Porch, Open Finished (FOP)	0.00	No	No
004	9.00	1	1945	0.00	28	Porch, Open Finished (FOP)	0.00	No	No
005	9.00	1	1997	0.00	256	Porch, Open Finished (FOP)	0.00	No	No

Exterior Wall Type

14 Wd Frame, Wire Mesh, Sticco

Area%
100%

Building Refinements

IN THE CIRCUIT COURT OF THE
SEVENTH JUDICIAL CIRCUIT, IN
AND FOR VOLUSIA COUNTY,
FLORIDA

SUMMITBRIDGE CREDIT INVESTMENTS
II LLC, a Delaware limited liability company,

CASE NO.: 2009-35296-CICI

Plaintiff,

vs.

BLUEBERRY HILLS OF LAKE SANTA FE, INC.,
a Florida corporation; DORN'S LIQUOR,
INCORPORATED, a Florida corporation; THOMAS
DORN, individually; and MELINDA P. DORN,
individually,

Defendants.

FILED
2014 JUN 11 AM 8:32
CLERK OF THE CIRCUIT
& CTY. COURT VOLUSIA CTY., FL
CC 54

AMENDED CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that she executed and filed a certificate of sale in this action on May 9, 2014, for the property described herein, and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Volusia County, Florida:

LOTS 1 THROUGH 9, INCLUSIVE, THE EASTERLY 11 FEET OF LOT 10, AND THE EASTERLY 36 FEET OF LOTS 14 AND 15, BLOCK 1, HERRICH TERRACE, AS PER MAP THEREOF RECORDED IN MAP BOOK 5, PAGE 38, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, LESS THAT PART THAT LIES IN STATE ROAD 5 (U.S. 1).

was sold to SBC II REO LLC, whose address is c/o Summit Investment Management, Attn: Brian Ekback, 1700 Lincoln Street, Suite 2150, Denver, Colorado 80203.

WITNESS my hand and the seal of the Court on this 11 day of June, 2014.

DIANE M. MATOUSEK
CLERK OF THE CIRCUIT COURT

(SEAL)



By: /s/ Jennifer Vazquez
Deputy Clerk

\$18.50

Amended to correct name as to Assignment of Bid

Copies to:

Gabriel B. Crafton, Esq.
Rogers Towers, P.A.
1301 Riverplace Blvd., Ste. 1500
Jacksonville, FL 32207

Undine Celeste Pawlowski, Esq.
Anastasia Law, PL
107A 11th St.
St. Augustine, FL 32080

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

CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

Case Cost Sheet Log

Case No. 15-1531

Name	Activity	Activity_Date	Status	Cost
Kay Talbott Caldwell TR	Mailing Notice of Violation/Notice of Hearing to 3350 Longhorn Trail, DeLand, FL 32724	11/09/2015	Certified Green Card Signed and Returned to City Clerk's Office.	\$6.95
Kay Talbott Caldwell TR	Mailing Finding of Fact/Conclusion of Law & Order to 3350 Longhorn Trail, DeLand, FL 32724	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1531

To: Kay Talbott Caldwell TR
Property Owner
3350 Longhorn Trail
Deland, FL 32724

Re: 309 Magnolia Street
Port Orange, FL 32129
Parcel ID: 6303-01-04-0050

LEGAL DESCRIPTION: LOTS 5 & 6 BLK 4 ORANGE PARK MB 15 PG 71 PER OR 3973 PG 4237 PER OR 6624 PG 1407 PER
OR 7117 PG 4069

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **September 3, 2015** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.2 (Receptacles) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain at least one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Initial inspection conducted on **September 3, 2015** after receiving a complaint from one of the tenants that resides in one of the units on site. She states that she just recently moved in and then realized that she did not have an outlet in the bathroom to plug anything in. She contacted code enforcement to find out if this was a violation as management informed her that it was not an issue. Property inspected and no outlet found in the bathroom. Spoke with management on site and was told that one was not required. Per the above ordinance, at least one is required in every bathroom.

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 DECEMBER 4, 2015 BY INSTALLING AT LEAST ONE RECEPTACLE WITH A GROUND FAULT CIRCUIT INTERRUPTER PROTECTOR IN EVERY BATHROOM IN EACH UNIT ON THE 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.

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 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 **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 \$ 695 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 **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on 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 16th day of November, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kay Talbott Caldwell TR, Property Owner, 3350 Longhorn Trail, Deland, FL 32724 was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:20 pm

this 16th day of November, 2015.

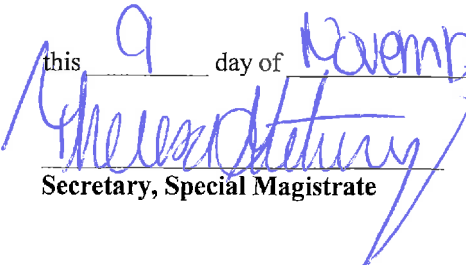
Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Kay Talbott Caldwell TR, Property Owner, 3350 Longhorn Trail, Deland, FL 32724** was

☐ Posted at City Hall

☒ Sent via certified

this 9 day of November, 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](#)

[Home](#)
[Search Choices](#)
[Search By Alternate Key](#)
[Property Information](#)

Parcel Information: 6303-01-04-0050 **2016 Working Tax Roll** Last Updated: 10-25-2015

Owner Name and Address

Alternate Key	5504174	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6303-01-04-0050	Mill Group	402 Port Orange
Full Parcel ID	03-16-33-01-04-0050	2015 Final Mill Rate	20.86510
Created Date	17 JAN 1995		
Property Class	03 Multi Family - 10 units or more		
Ownership Type	Trust	Ownership Percent	100
Owner Name	CALDWELL KAY TALBOTT TR		
Owner Name/Address 1			
Owner Address 2	3350 LONGHORN TRL		
Owner Address 3	DELAND FL		
Owner Zip/Postal Code	32724		
Situs Address	309 MAGNOLIA ST PORT ORANGE 32129		

Legal Description

LOTS 5 & 6 BLK 4 ORANGE PARK MB 15 PG 71 PER OR 3973 PG 4237 PER OR 6624 PG 1407 PER OR 7117 PG 4069

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7117 4069	05/2015	Quit Claim Deed	Unqualified Sale	Yes	100
6624 1407	06/2011	Personal Rep.	Unqualified Sale	Yes	100
3973 4237	12/1994	Quit Claim Deed	Affiliated Parties	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
2015	39,000	174,088	0	213,088	213,088	123,392	0	213,088	0	123,392
2014	39,000	161,808	0	200,808	200,808	112,175	0	200,808	0	112,175

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0300	MULTI FAM - OVER 10	0.0	0.0	6.00	UNIT BUILDABLE	6500.00	100	100	100	100	39,000
Neighborhood C5516 PORT ORANGE SMALL APARTMENTS											
Total Land Classified											0
Total Land Just											39,000

Building Characteristics

Building Number: 172841 (Building 1 of 2)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
172841	Commercial	Concrete or Masonry	216	1971	300	35%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	8.00	1	1971	0.00	2240 Apartment, Average (03C)		100.00	No	Yes
002	8.00	1	1971	0.00	320 Porch, Open Finished (FOP)		0.00	No	No

Exterior Wall Type

40 Concrete Block, Painted	80%
43 Concrete Block, Stone Veneer	20%

Building Refinements

Description	Number of Units	Unit Type
RES. UNIT		3 UB
Baths, 3-Fixture		3 UB
Extra Fixture		3 UB

This Instrument Prepared By
And Return To:

H. CHARLES WOERNER, JR., P.A.
2001 S. Ridgewood Avenue
South Daytona, Florida 32119
(386) 767-9811

Property Appraiser's Parcel
I.D. No. 6303-01-04-0050

QUIT-CLAIM DEED

THIS DEED, made MAY 4, 2015 between ALLIE KAY CALDWELL, a/k/a KAY TALBOTT CALDWELL, of Deland, County of Volusia, State of Florida, (GRANTOR), and KAY TALBOTT CALDWELL, as TRUSTEE, under Trust Agreement dated May 4, 2015, made by KAY TALBOTT CALDWELL, a/k/a ALLIE KAY CALDWELL, as TRUSTOR, known as "THE KAY TALBOTT CALDWELL REVOCABLE LIVING TRUST dated the 4th day of May, 2015" (GRANTEE), whose post office address is 3350 Longhorn Trail, Deland, Florida 32724. GRANTOR'S and GRANTEE'S addresses are the same, and ALLIE KAY CALDWELL and KAY TALBOTT CALDWELL are one and the same person.

THE GRANTOR, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to said GRANTOR in hand paid by said GRANTEE, the receipt of which is hereby acknowledged, does hereby remise, release, quit-claim and convey to said GRANTEE and GRANTEE'S heirs, successors, and assigns forever all the right, title and interest of the GRANTOR in the following described real property situate in Volusia County, Florida, to wit:

**Lots 5 and 6, Block 4, Deen's Orange Park, According to Map
Recorded in Map Book 15, Page 71, Public Records of Volusia County,
Florida.**

This conveyance is subject to:

1. Zoning and building ordinances and other governmental regulations.
2. Taxes and assessments for 2015 and subsequent years.
3. All easements, restrictions, limitations of record, the mention of which shall not serve to reimpose the same, and all matters of survey.
4. All Mortgages of record executed or assumed by the Grantor which the Grantee herein assumes and agrees to pay.

TOGETHER WITH ALL AND SINGULAR THE TENEMENTS, HEREDITAMENTS AND APPURTENANCES THEREOF BEING OR IN ANY WISE APPERTAINING AND TOGETHER WITH EVERY PRIVILEGE, RIGHT, TITLE, INTEREST AND ESTATE, REVERSION, REMAINDER AND EASEMENT THERETO BELONGING.

TO HAVE AND TO HOLD the same unto the Grantee and Grantee's heirs, successors, and assigns forever.

"Grantor" and "Grantee" are used for singular or plural as the context requires.

KAY TALBOTT CALDWELL, as TRUSTEE, shall have the independent power and authority to protect, conserve, and to sell, or to lease, or to mortgage and encumber, or otherwise to manage and dispose of the real property conveyed by this deed.

If KAY TALBOTT CALDWELL cannot continue to serve or ceases to act as TRUSTEE, then the Successor TRUSTEE shall be as set forth in the said Trust Agreement.

All Successor TRUSTEES are hereby granted the power to protect, conserve and to sell, or to lease, or to mortgage and encumber, or otherwise to manage and dispose of the real property described in this deed.

The powers of the TRUSTEE and all Successor TRUSTEES shall extend to any and all rights which the GRANTOR possesses in the above described real property; any deed, mortgage, or other instrument executed by the TRUSTEE shall convey all rights or interests of the GRANTOR including homestead, if applicable; and the TRUSTEE is appointed as the attorney-in-fact for the GRANTOR to carry out this intent, which appointment shall be durable and shall not be affected by the incapacity of the GRANTOR.

Any person dealing with the TRUSTEE shall deal with said TRUSTEE in the order as set forth above. However, no person shall deal with a Successor TRUSTEE not herein named until one or more of the following have been received by said person or placed of record in the aforementioned county:

A. The written resignation of the prior TRUSTEE sworn to and acknowledged before a notary public in the presence of two witnesses.

B. A certified death certificate of the prior TRUSTEE.

C. The order of a court of competent jurisdiction adjudicating the prior TRUSTEE incompetent, or removing said TRUSTEE for any reason.

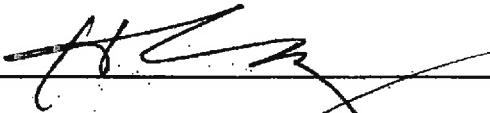
D. The written removal of a Successor TRUSTEE and/or the appointment of an additional Successor TRUSTEE by the GRANTOR sworn to and acknowledged before a notary public in the presence of two witnesses; this right being reserved to GRANTOR.

The Grantor represents and warrants that the real property conveyed hereby is not her homestead real property, nor is the real property adjacent to her homestead real property. The Grantor resides in DeLand, Florida.

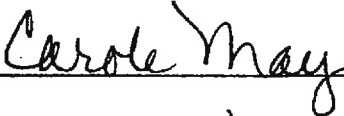
This Deed has been prepared at the GRANTOR'S and the GRANTEE'S request without examination or legal opinion of title.

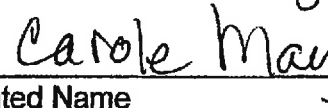
In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed, and delivered
in the presence of:




Printed Name





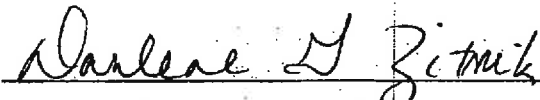
Printed Name


ALLIE KAY CALDWELL
a/k/a KAY TALBOTT CALDWELL

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly authorized in the county and state aforesaid to take acknowledgments, personally appeared ALLIE KAY CALDWELL, a/k/a KAY TALBOTT CALDWELL, who is personally known to me or has produced a current driver's license or Florida Identification Card as identification, and who executed the foregoing Quit-Claim Deed and acknowledged before me that she executed the same and she did not take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 4th day of May, 2015.



Print Name: DARLENE G. ZITNIK
Notary Public, State of Florida

My Commission Expires:



604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. *Dwelling units* shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes.

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

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

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

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

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

15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;
16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

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

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

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

SECTION 605 ELECTRICAL EQUIPMENT

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

605.2 Receptacles. Every *habitable space* in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every *bathroom* shall contain not less than one receptacle. Any new *bathroom* receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

605.3 Luminaires. Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

606.1 General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumb-

Case Cost Sheet Log

Case No. 15-1746

Name	Activity	Activity_Date	Status	Cost
Joseph Magurezek	Notice of Violation/Notice of Hearing	11/06/2015	Hand Delivered	\$0.00
Joseph Magurezek	Mailing Finding of Fact/Conclusion of Law & Order to 407 Grant St., Port Orange, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1746

To: Joseph Magurczek
Property Owner
407 Grant Street
Port Orange, FL 32127

Re: 407 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-03-00-0731

LEGAL DESCRIPTION: W 1/2 OF LOTS 73 & 74 & 75 MARSHALL ADD PORT ORANGE PER OR 2518 PG 1981
PER UNREC DC & PER OR 6448 PG 3270 & PER OR 6451 PG 1973 & PR OR 6451 PG 1975

Volusia County Public Records
Volusia County, FL

n inspection of the premises on **October 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.

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

Chapter 70 (Traffic), Article II (Stopping, Standing and 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: (c) Restrictions.

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

a. Within a completely enclosed garage; or

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

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

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

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

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

k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:

1. Concrete or paved materials;
2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
3. Concrete paver strips, paver blocks, or other semi-pervious materials.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of Vehicles, Furniture, etc) of the City of Port Orange Code of Ordinances: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Initial inspection conducted on **October 8, 2015** after receiving a complaint concerning numerous violations on the property. Inspection revealed high weeds and grass, inoperable/unlicensed vehicles parked behind the home, vehicle parked in the front yard, garbage and debris all over the property, and an enormous amount of outside storage located everywhere at this location (i.e. disabled boats and cars, large piles of wood, boxes of old clothes and miscellaneous items, tools, etc). Notice of Violation being issued as these violations continue to occur after property owner has been notified and cited numerous times in the past. These violations are to be considered health and safety issues due to the considerable amount of outside storage which could be harboring rodents, insects, snakes, etc.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by December 2, 2015 by mowing entire property to include high weeds around trees and in landscaped areas, around exterior of home and fence line, weed eating and edging. All inoperable/unlicensed vehicles must be properly registered, removed, stored in an enclosed building or covered with an approved car cover. All vehicles must be stored in the driveway or on a driveway extension. Vehicles cannot be parked in the front yard of the property and disabled, abandoned, or unregistered vehicles cannot be stored in the back yard, side, or front yard. All garbage and debris must be removed from the property. ALL outside storage must be stored inside an enclosed building, behind an opaque fence or removed from the property. NO TARPS CAN BE USED TO HIDE THE ITEMS.

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 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 **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, the 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 \$ 1000.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on 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 6th day of November, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Joseph Magurczek, Property Owner, 407 Grant Street, Port Orange, FL 32127**, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Jason Magurczek (son)

this 6th day of October, 2015.

Time: approx. 3:11 PM

Dena Joseph
Dena Joseph, Code Enforcement Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Joseph Magurczek, Property Owner, 407 Grant Street, Port Orange, FL 32127**, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Home Search Choices Search By Location Address Property Information

Parcel Information: 6341-03-00-0731 **2016 Working Tax Roll** Last Updated: 10-14-2015

Owner Name and Address

Alternate Key	3694821	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6341-03-00-0731	Mill Group	402 Port Orange
Full Parcel ID	41-16-33-03-00-0731	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MAGURCZEK JOSEPH		
Owner Name/Address 1			
Owner Address 2	407 GRANT ST		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	407 GRANT ST PORT ORANGE 32127		

Legal Description

W 1/2 OF LOTS 73 & 74 & 75 MARSHALL ADD PORT ORANGE PER OR 2518 PG 1981 PER UNREC DC & PER OR 6448 PG 3270 & PER OR 6451 PG 1973 & PR OR 6451 PG 1975

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6448 3270	02/2010	Quit Claim Deed	Unqualified Sale	Yes	100
6451 1973	10/2007	Warranty Deed	Unqualified Sale	Yes	100
2153 0403	03/1980	Warranty Deed	Qualified Sale	Yes	50,000
1813 1517	12/1975	Warranty Deed	Qualified Sale	Yes	34,500

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
2015	27,746	58,274	0	86,020	75,957	75,957	25,000	50,957	25,000	25,957
2014	27,746	53,516	0	81,262	75,354	75,354	25,000	50,354	25,000	25,354

[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	100.0	164.0	100.00	FRONT FEET	250.00	111	100	100	100	27,746
Neighborhood 5753 DAGWOOD ACRES (6341-01)-KERR											
Total Land Classified											0
Total Land Just											27,746

Building Characteristics

Building Number: 121280 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
121280	Single Family	154	1975	250		29%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	ASPHALT SHINGL	Wall Type	Plaster	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		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	Finished Garage (FGR)	Non-Applicable	1.0	1975	N	0%	0%	540 Sq. Feet	
002	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1975	N	0%	0%	1114 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1975	N	0%	0%	70 Sq. Feet	
004	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1975	N	0%	0%	110 Sq. Feet	

Recording requested by: _____

When recorded, mail to: _____

Name: Joseph Magunczek

Address: 407 Grant St.

City: Port Orange

State/Zip: FL 32127

Space above reserved for use by Recorder's Office

Document prepared by:

Name Joseph Magunczek

Address 407 Grant St

City/State/Zip Port Orange FL 32127

Property Tax Parcel/Account Number: 6341-03-00-0731

Quitclaim Deed

This Quitclaim Deed is made on Tuesday, February 23 2010, between
The Betty Magunczek Trust, Grantor, of 407 Grant Street
_____, City of Port Orange _____, State of Florida _____,
and Joseph Magunczek, Grantee, of 407 Grant Street
_____, City of Port Orange _____, State of Florida _____.

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by
the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs
and assigns, to have and hold forever, located at 407 Grant St

_____, City of Port Orange _____, State of Florida _____:
The West one half (1/2) of Lots 73, 74 and 75, W. W. Marshall's
Subdivision, as shown on map in Map Book 5, page 77, Public Records
of Volusia County, Florida

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.

Taxes for the tax year of 2010 shall be prorated between the Grantor and Grantee as of the date of
recording of this deed.

Dated: Tuesday February 23, 2010

Joseph Magurczek
Signature of Grantor

The Betty Magurczek Trust / Trustee Joseph Magurczek
Name of Grantor

Jason Magurczek
Signature of Witness #1

Jason Magurczek
Printed Name of Witness #1

Vanessa Marie Gotz
Signature of Witness #2

Vanessa Marie Gotz
Printed Name of Witness #2

State of FL County of Volusia
On FEB. 23, 2010, the Grantor, Joseph Magurczek,
personally came before me and, being duly sworn, did state and prove that he/she is the person described
in the above document and that he/she signed the above document in my presence.

Vanessa Marie Gotz
Notary Signature

Notary Public,
In and for the County of Volusia State of FL
My commission expires: _____ Seal

Send all tax statements to Grantee.



Vanessa Marie Gotz
Commission # DD576252
Expires July 31, 2010
Bonded Troy Fair - Insurance, Inc. 800-388-7019

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

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

(a) *Findings of fact.*

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

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

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

(c) *Restrictions.*

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

private property unless such vehicle is:

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

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

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

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

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

(Ord. No. 1998-23, § 1, 7-21-98)

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

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

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

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

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

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

- g. At any place where official traffic control devices prohibit standing.
 - (3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of merchandise or passengers:
 - a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
 - b. At any place where official signs prohibit parking.
 - (b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- (Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Case Cost Sheet Log

Case No. 15-1772

Name	Activity	Activity_Date	Status	Cost
John M. Sofio	Mailing Notice of Violation/Notice of Hearing to 7257 Beverly Blvd., Los Angeles, CA 90036	10/21/2015	Certified Mail Returned to City Clerk's Office marked "Undeliverable as Addressed".	\$6.95
John M. Sofio	Mailing Notice of Violation/Notice of Hearing to 1626 Silver Lake, Los Angeles, CA 90026	10/21/2015	Certified Mail Returned to City Clerk's Office marked "Undeliverable as Addressed".	\$6.95
John M. Sofio	Mailing Finding of Fact/Conclusion of Law & Order to 7257 Beverly Blvd., Los Angeles, CA 90036	12/09/2015		\$7.21
John M. Sofio	Mailing Finding of Fact/Conclusion of Law & Order to 1626 Silver Lake, Los Angeles, CA 90026	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00

Total: \$55.32



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1772

To:
John M. Sofio
7257 Beverly Blvd.
Los Angeles, CA 90036

Re: 30 E. Bayshore Dr.
Port Orange, FL 32127
Parcel ID: 6314-03-16-0120

LEGAL DESCRIPTION: LOT 12 INC TRIANGLE IN LOT 13 BEING THE S 3.5 FT ON W/L TO A POINT AT SE COR
BLK 16 HARBOR OAKS UNIT 1 MB 10 PGS 145-146 INC PER OR 5199 PG 4069 PER OR
5370 PGS 1403-1404

Volusia County Public Records
Volusia County, FL

inspection of the premises on October 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, Article II, Chapter 42, 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 and Section 42-32 Storage of vehicles, furniture, etc.

Simply stated, the entire property shall be mowed and maintained free of garbage and debris. Any personal property shall be stored inside an enclosed building.

On October 14, 2015, I received a call and also a Citizen Connection complaint regarding the amount of trash and debris at this property, high weeds and grass, and outside storage. I inspected the property and took photos of the violations. This property has been written up several times this year which precipitated the notice of violation. Even though the previous violations were eventually brought into compliance, complaints keep coming in and the tenant is verbally abusive. The complainant also states there is a stench coming from the property.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **November 2, 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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 13, 2106, 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 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 M. Sofio, 7257 Beverly Blvd, Los Angeles, CA 90036, was

☐ Hand-delivered

☒ Posted at the property (30 E. Bayshore Dr., Port Orange, FL 32127)

Time: approx. 3:40 pm

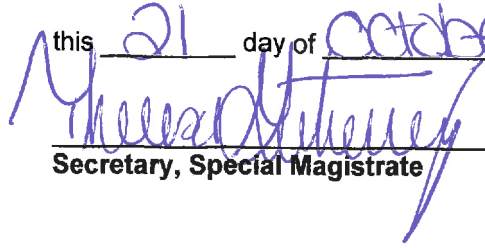
this 15th day of October, 2015.

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 M. Sofio, 7257 Beverly Blvd., Los Angeles, CA 90036 and John M. Sofio, 1626 Silver Lake, Los Angeles, CA 90026 was

☒ Posted at City Hall

☒ Sent via certified

this 21 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](#)

[Home](#)
[Search Choices](#)
[Search By Alternate Key](#)
[Property Information](#)

Parcel Information: 6314-03-16-0120 **2016 Working Tax Roll** Last Updated: 10-14-2015

Owner Name and Address

Alternate Key	3631838	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6314-03-16-0120	Mill Group	402 Port Orange
Full Parcel ID	14-16-33-03-16-0120	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	SOFIO JOHN M		
Owner Name/Address 1			
Owner Address 2	7257 BEVERLY BLVD		
Owner Address 3	LOS ANGELES CA		
Owner Zip/Postal Code	90036		
Situs Address	30 E BAYSHORE DR PORT ORANGE 32127		

Legal Description
 LOT 12 INC TRIANGLE IN LOT 13 BEING THE S 3.5 FT ON W/L TO A POINT AT SE COR BLK 16 HARBOR OAKS UNIT 1 MB 10 PGS 145-146 INC PER OR 5199 PG 4069 PER OR 5370 PGS 1403-1404

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5370 1403	07/2004	Warranty Deed	Qualified Sale	Yes	138,500
5199 4069	10/2003	Warranty Deed	Qualified Sale	Yes	85,000
4289 0483	03/1998	Warranty Deed	Qualified Sale	Yes	54,000
1608 0075	06/1973	Warranty Deed	Qualified Sale	Yes	23,900

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
2015	11,634	43,732	0	55,366	55,366	52,423	0	55,366	0	52,423
2014	10,703	38,309	0	49,012	49,012	47,657	0	49,012	0	47,657

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	44.0	145.0	44.00	FRONT FEET	250.01	106	100	100	100	11,634
Neighborhood 4252 HARBOR POINT SUB.(6314-01)---											
Total Land Classified											0
Total Land Just											11,634

Building Characteristics
 Building Number: 115675 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
115675	Single Family	124	1964	300		47%	0%	0%	2999
Roof Type	HIP	Floors	Terrazzo Monol		Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type	Plaster		X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1	Electricity		2 Fixture Bath	1	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	1	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	1964	N	0%	0%	294 Sq. Feet	
002	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1964	N	0%	0%	945 Sq. Feet	
003	Finished Garage (FGR)	Non-Applicable	1.0	1964	N	0%	0%	228 Sq. Feet	
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1964	N	0%	0%	74 Sq. Feet	

07/28/2004 03:18 PM
Doc stamps 969.50
(Transfer Amt \$ 138500)
Instrument# 2004-187796
Book : 5370
Page : 1403

Prepared by
Mary Ralstin, an employee of
Associated Land Title Group, Inc.
733 Dunlawton Avenue, Suite 101
Port Orange, Florida 32127
(386) 761-7511

Return to: Grantee

File No.: 1019-546349

WARRANTY DEED

This indenture made on **July 15, 2004 A.D.**, by

Jack D. Wiles, a married man and James R. Wiles, a married man

whose address is: **5885 Riverside Drive, Port Orange, FL 32127**
hereinafter called the "grantor", to

John M. Soflo

whose address is: **7257 Beverly Blvd., Los Angeles, CA 90036**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia County, Florida**, to-wit:

Lot 12, Block 16, HARBOR OAKS UNIT 1, according to the plat thereof as recorded in Map Book 10, Page(s) 145, of the Public Records of Volusia County, Florida, and that triangular portion of Lot 13 in said Block 16, described as follows: Begin at the Southeast corner of said Lot 13; Thence Westerly along the South line of Lot 13, to the Southwest corner thereof, Thence Northerly along the West line of Lot 13, a distance of 3.5 feet to a point, Thence Easterly to the Point of Beginning.

Parcel Identification Number: **6314-03-16-0120**

The land is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 31st of 2003.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year, first above written

Jack D. Wiles
Jack D. Wiles

James R. Wiles
James R. Wiles

Signed, sealed and delivered in our presence:

Mary W. Ralstin
Witness Signature

Print Name: MARY W. RALSTIN

Pamela H. Krombel
Witness Signature

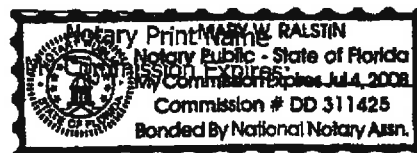
Print Name: Pamela H. Krombel

State of **Florida**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **July 15, 2004**, by **Jack D. Wiles, a married man and James R. Wiles, a married man** who is/are personally known to me or who has/have produced a valid driver's license as identification.

Mary W. Ralstin
NOTARY PUBLIC



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

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

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

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

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

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

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

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

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

Sec. 42-32. Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1772

JOHN M. SOFIO

7257 Beverly Blvd.

Los Angeles, CA 90036,

Respondent.

Property Address: 30 E. Bayshore Dr., Port Orange, FL 32127

Parcel ID: 6314-03-16-0120

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

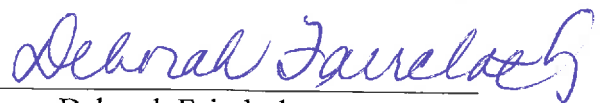
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 30 E. Bayshore Dr., Port Orange, Florida 32127, is owned by John M. Sofio.
4. That 30 E. Bayshore 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 30 E.

Bayshore Dr., Port Orange, Florida 32127, at 3:40 p.m. on the 15th 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 16th day of October, 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 October, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1427

Name	Activity	Activity_Date	Status	Cost
Jimmie Thompson	Mailing Notice of Violation/Notice of Hearing to 12 Pearl Drive, Port Orange, FL 32174	10/23/2015	Certified Green Card Signed by Jimmie Thompson and Returned to City Clerk's Office.	\$6.95
Susie Rimmer	Mailing Notice of Violation/Notice of Hearing to 12 Pearl Drive, Port Orange, FL 32174	10/23/2015	Certified Green Card Signed by Jimmie Thompson and Returned to City Clerk's Office.	\$6.95
Jimmie Thompson	Mailing Finding of Fact/Conclusion of Law & Order to 12 Pearl Drive, Port Orange, FL 32174	10/23/2015		\$7.21
Susie Rimmer	Mailing Notice of Violation/Notice of Hearing to 12 Pearl Drive, Port Orange, FL 32174	10/23/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00

Total: \$55.32



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1427

To:
Jimmie Thompson & Susie Rimmer
12 Pearl Dr.
Ormond Beach, FL 32174

Re: 5271 Taylor Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-50-0070
LEGAL DESCRIPTION: S 17 FT OF LOT 7 & LOT 8 BLK 50 ALLANDALE MB 4 PG 146 PER OR 3462 PG 0498

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 17, 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) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

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

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

On August 17, 2015, I observed that this property appears to be vacant or abandoned. The yard is very overgrown and there is an abundance of yard debris. There is also a car parked in the side yard that appears to not have moved for some time due to the length of grass under and around it. I left a 3 day notice for compliance on the gate to the front door. An inspection on August 21, 2015, found the property in the same condition. Drive by inspections and an inspection on October 20, 2015, confirmed that the property is still in a state of non-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 **November 2, 15.**

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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 21st 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 Jimmie Thompson and Susie Rimmer, 12 Pearl Dr., Ormond Beach, FL 32174 was

☐ Hand-delivered

☒ Posted at the property (5271 Taylor Ave., Port Orange, FL

Time: approx. 2:30 pm

this 21st 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 Jimmie Thompson and Susie Rimmer, 12 Pearl Dr., Ormond Beach, FL 32174, was

☐ Posted at City Hall

☒ Sent via certified

this 23 day of October, 2015.

Sharon M. Hines

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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6310-07-50-0070 **2016 Working Tax Roll** Last Updated: 10-16-2015

Owner Name and Address

Alternate Key	3612604	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-50-0070	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-50-0070	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	THOMPSON JIMMIE &		
Owner Name/Address 1	SUSIE RIMMER		
Owner Address 2	12 PEARL DR		
Owner Address 3	ORMOND BEACH FL		
Owner Zip/Postal Code	32117		
Situs Address	5271 TAYLOR AV PORT ORANGE 32127		

Legal Description

S 17 FT OF LOT 7 & LOT 8 BLK 50 ALLANDALE MB 4 PG 146 PER OR 3462 PG 0498

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3462	0498	05/1990	Warranty Deed	Qualified Sale	Yes	20,000
1015	0258	02/1967	Warranty Deed	Qualified Sale	Yes	2,900

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
2015	13,250	8,091	0	21,341	21,341	21,341	0	21,341	0	21,341
2014	13,250	8,103	0	21,353	21,353	21,166	0	21,353	0	21,166

[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	50.0	100.0	50.00	FRONT FEET	265.00	100	100	100	100	13,250
Neighborhood 5775 ALLANDALE/COMMONWEALTH											
Total Land Classified											0
Total Land Just											13,250

Building Characteristics

Building Number: 114126 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
114126	Mobile Home	136	1967	150	Mobile Home	76%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	1	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			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)	ALUMINUM SIDING	1.0	1967	N	0%	0%	672 Sq. Feet	
004	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1967	N	0%	0%	260 Sq. Feet	
005	Patio (PTO)	Non-Applicable	1.0	1967	N	0%	0%	100 Sq. Feet	

Return to: (enclose self-addressed stamped envelope)
Name:

Address: RIVERSIDE TITLE COMPANY
160 S. HALIFAX AVE.
DAYTONA BEACH, FL 32018

This Instrument Prepared by:

Address: RIVERSIDE TITLE COMPANY
160 S. HALIFAX AVE.
DAYTONA BEACH, FL 32018
Property Appraisers Parcel I.D. (Folio) Number(s):

Grantee(s) S.S.#(s):

WARRANTY DEED BOOK PAGE
INDIVID. TO INDIVID. 3462 0498
VOLUSIA CO., FL

RAMCO FORM 01

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 1st day of May A. D. 19 90 by
Franklin D. Brown and Alice M. Brown, his wife

hereinafter called the grantor, to Jimmie Thompson and Susie Rimmer

whose postoffice address is 5271 Taylor Ave., Port Orange, FL. 32127
hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives 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 8 and the southerly 17 feet of Lot 7, Block 50,
Map of Allandale, according to plat thereof recorded
in Map Book 4, Page 146 of the Public Records of Volusia
County, Florida, together with a 1967 single wide mobile
home having the identification number of DC7BL50086

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

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 89

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:

Paula D. Atkinson
Paula D. Atkinson

Franklin D. Brown L.S.
Franklin D. Brown
Alice M. Brown L.S.
Alice M. Brown

STATE OF Florida REC FEE \$ 6.00 REC'D PAYMENT AS
COUNTY OF Volusia DOC ST \$ 110.00 INDICATED FOR CLASS

INT TAX \$ _____ C: INTANGIBLES DOC
PENALTY \$ _____ STAMP TAXES SIGNED
INTEREST \$ _____
officer duly authorized in the State of Florida and in the County of Volusia, to take acknowledgments, personally appeared
Franklin D. Brown and Alice M. Brown, his wife

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

WITNESS my hand and official seal in the County and State last aforesaid this 1st day of
May A. D. 19 90.



PAULA D. ATKERSON
MY COMMISSION EXPIRES
January 16, 1994
SIGNED THRU PRUDENTIAL INSURANCE, INC.

054755

By: *Paula D. Atkinson*
CLERK CIRCUIT COURT
VOLUSIA CO., FL

RECORDED
RECORD VERIFIED

90 MAY -2 AMT: DB

054755

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

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

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

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

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

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

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

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

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

Sec. 42-32. Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1427

Jimmie Thompson and Susie Rimmer
12 Pearl Drive
Ormond Beach, FL 32174,

Respondents.

Property Address: 5271 Taylor Ave., Port Orange, FL
Parcel ID: 6310-07-50-0070

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared 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 5271 Taylor Avenue, Port Orange, Florida 32127, is owned by Jimmie Thompson and Susie Rimmer.
4. That 5271 Taylor Avenue, 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 5271 Taylor Avenue, Port Orange, Florida 32127, at 2:30 p.m. on the 21st 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 22nd day of October, 2015.

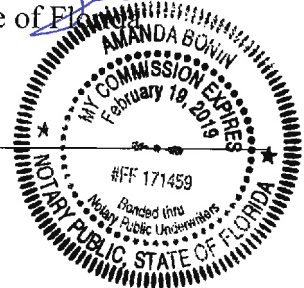
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 22nd day of October, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1744

Name	Activity	Activity_Date	Status	Cost
Shirley E. Rose	Mailing Notice of Violation/Notice of Hearing to 300 N. Atlantic Ave.. Daytona Beach, FL 32118	11/02/2015	Certified Mail Not Returned to City Clerk's Office.	\$7.17
Shirley E. Rose	Mailing Notice of Violation/Notice of Hearing to 549 Collins Ave., Ormond Beach, FL 32174	12/09/2015	Certified Green Card Signed and Returned to City Clerk's Office.	\$7.17
Shirley E. Rose	Mailing Finding of Fact/Conclusion of Law & Order to 549 Collins Ave., Ormond Beach, FL 32174	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00

Total: \$48.55



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1744

To:
Shirley E. Rose
549 Collins St.
Ormond Beach, FL 32174

Re: 5109 Taylor Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-55-0010

LEGAL DESCRIPTION: LOT 1 & N 27.75 FT OF LOT 2 BLK 55 ALLANDALE PER OR 4626 PG 0634 PER OR 5971 PGS
3480-3482 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 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) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

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

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Chapter 70, Article II (Stopping, Standing, Parking) Section 70-49 Restrictions on disabled or abandoned vehicles (c) Restrictions (1) Unlicensed vehicles must be properly stored inside or covered with a standard vehicle cover.

Chapter 16 (Miscellaneous Regulations) of the City of Port Orange Land Development Code Section 3 (Fences and Walls)(4) Design and Maintenance (b)(d) All fences are to be maintained in their original upright condition with no missing or damaged pickets.

On October 8, 2015, I received an anonymous call on the code enforcement hotline that this property is overgrown, there is garbage and debris everywhere, and the fence is falling down in places. Upon inspection, I observed same as well as outside storage of items and an unregistered vehicle. I left a 10 day notice on the door to abate all violations.

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 **November 11, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED
NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate 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 **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 \$ 14.34 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 **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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 29th 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 Shirley F. Rose, 549 Collins St., Ormond Beach, FL 32174, was

☐ Hand-delivered

☒ Posted at the property (5109 Taylor Ave., Port Orange, FL 32127)

this 29th day of October, 2015.

Time: approx. 1:50 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 Shirley F. Rose, 549 Collins St., Ormond Beach, FL 32174, was

☐ Posted at City Hall

☐ Sent via certified

And 300 W. Atlantic Ave., Daytona Beach, FL 32118.

this 2 day of November, 2015.

Shirley F. Rose

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.

RETURN TO: # 1284796

Chicago Title
ServiceLink Division
4000 Industrial Blvd
Aliquippa, PA 15001

RECORDING REQUESTED BY
SERVICE LINK
MAIL TAX STATEMENT TO:
Shirley Rose
5109 TAYLOR AVE
PORT ORANGE, FL 32127-5425

Prepared By:
Jennifer Fike
ServiceLink
4000 Industrial Blvd.
Aliquippa, PA 15001

QUITCLAIM DEED

THIS INDENTURE, Made this 14 day of DECEMBER, 2006,

by and between Harold Rose, a single man, and Shirley E. Rose, a single woman, as joint tenants with the full right of survivorship of hereinafter collectively referred to as "Grantor", and Shirley E Rose, a single woman, of 5107 TAYLOR AVE, PORT ORANGE, FL 32127 BuyerAddress1 of the County of VOLUSIA, in the State of FL hereinafter collectively referred to as "Grantee",

WITNESSETH: That Grantor, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations, lawful money of the United States of America, to Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed to the Grantee, Grantee's heirs and assigns forever, all the rights, title, interest and claim of the Grantor in and to the following described land in VOLUSIA County, Florida, to-wit:

See Exhibit A attached hereto and made a part hereof

The purpose of this deed is to remove Harold Rose

BEING: the same premises which MARIA T PERRY, A SINGLE WOMAN in deed dated DECEMBER 15 2000 and recorded DECEMBER 19 2000 in the VOLUSIA County Recorder's Office in Deed Book Volume 4626, page 634, granted and conveyed to Shirley E Rose, a single woman, the Grantors herein.

TO HAVE AND TO HOLD, the above described premises, with the appurtenances, unto Grantee, Grantee's heirs and assigns forever.



Volusia County
FLORIDA

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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6310-07-55-0010 2016 Working Tax Roll Last Updated: 10-18-2015

Owner Name and Address

Alternate Key	3613082	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-55-0010	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-55-0010	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	ROSE SHIRLEY E		
Owner Name/Address 1			
Owner Address 2	549 COLLINS ST		
Owner Address 3	ORMOND BEACH FL		
Owner Zip/Postal Code	32174		
Situs Address	5109 TAYLOR AV PORT ORANGE 32127		

Legal Description

LOT 1 & N 27.75 FT OF LOT 2 BLK 55 ALLANDALE PER OR 4626 PG 0634 PER OR 5971 PGS 3480-3482 INC

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5971	3480	12/2006	Quit Claim Deed	Affiliated Parties	Yes	30,800
3284	0002	03/1989	Warranty Deed	Qualified Sale	Yes	64,000

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
2015	16,165	76,950	0	93,115	93,115	86,880	0	93,115	0	86,880
2014	15,250	65,972	0	81,222	81,222	78,982	0	81,222	0	78,982

[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	61.0	100.0	61.00	FRONT FEET	265.00	100	100	100	100	16,165
Neighborhood 5777 ALLANDALE MB 4 PG 146 MB17-16											
Total Land Classified											0
Total Land Just											16,165

Building Characteristics

Building Number: 114175 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
114175	Single Family	182	1986	300		16%	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	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type		Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001 Res	BASE Area (BAS)	C B STUCCO		1.0	1986	N	0%	0%	1748 Sq. Feet
002 Patio	(PTO)	Non-Applicable		1.0	1986	N	0%	0%	72 Sq. Feet

IN WITNESS WHEREOF, Grantor has executed this deed under seal on the date aforesaid.
Signed, Sealed and Delivered in Our Presence:

Elizabeth P. James
Witness ELIZABETH P. JAMES

Shirley E. Rose
SHIRLEY E ROSE

James F. Marshall
Witness James F. Marshall

Harold Rose
HAROLD ROSE

Dated: 12-06-06

County of Volusia

State of Florida SS.

December 5th

On December 6, 2006 before me, ELIZABETH P. JAMES Notary

Public in and for said County and State, personally appeared

SHIRLEY E. ROSE + HAROLD ROSE

Personally known to me

(or proved to me on the satisfactory evidence) to be the person(s) whose name(s) is/are subscribed in the within instrument and acknowledged to me that he/she/they executed the name in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) noted, executed the instrument.

WITNESS my hand and official seal

SIGNATURE Elizabeth P. James

My Commission expires: October 5, 2009 Elizabeth P. James

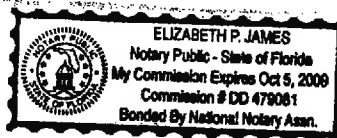


Exhibit "A"
Legal Description

Instrument# 2006-309245 # 3
Book: 5971
Page: 3482
Diane M. Matousek
Volusia County, Clerk of Court

All that certain parcel of land situate in the County of Volusia and State of Florida being known and designated as follows:

Lot 1 and the North 27.75 feet of Lot 2, Block 55, Allandale, according to the plat thereof recorded in Map Book 4, Page 146, Public Records of Volusia County, Florida.

Tax/Parcel ID: 631007550010

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 package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" 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 package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

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

(a) *Findings of fact.*

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

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

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

(c) *Restrictions.*

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

private property unless such vehicle is:

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

(Ord. No. 1998-23, § 1, 7-21-98)

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.

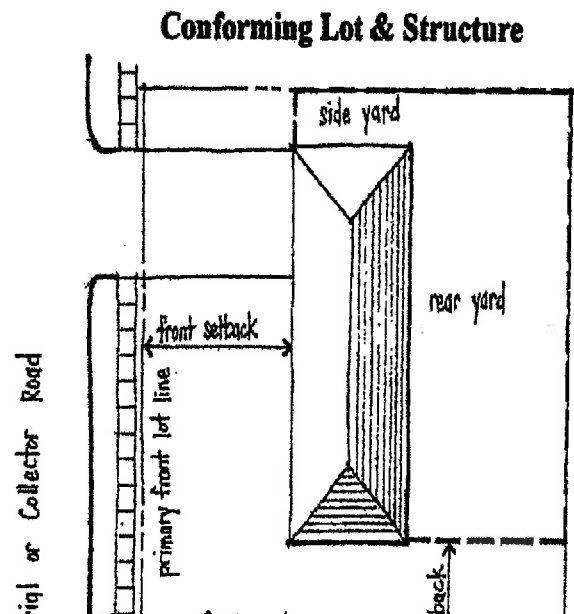
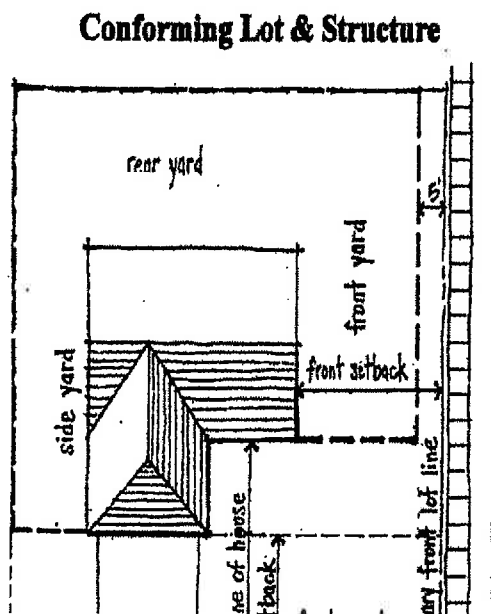
(5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.

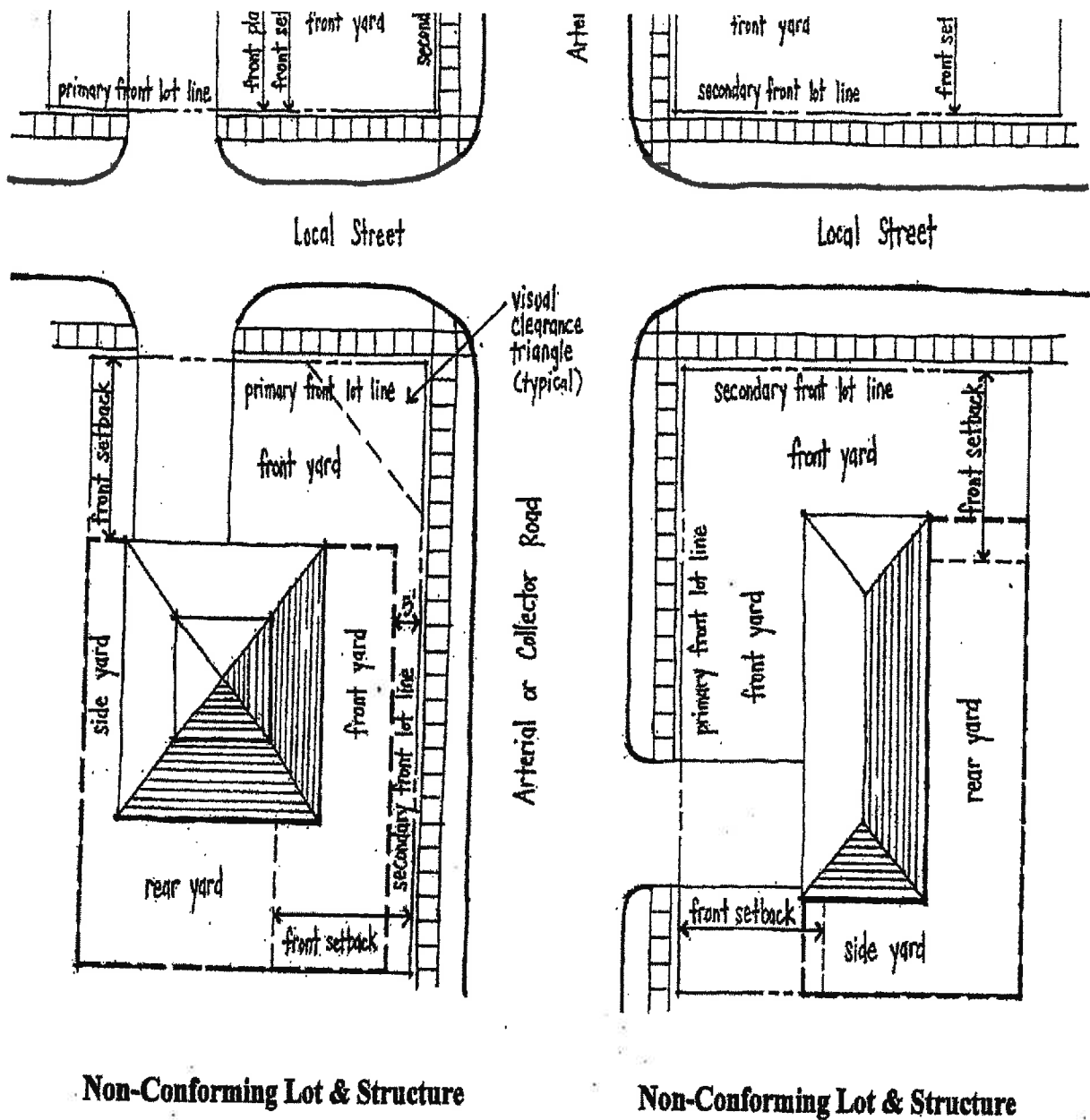
(6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or 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.

- (9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.
- (2) *Height.*
- (a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subparagraph (h) below.
 - (b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subparagraphs (e), (f), and (g) below.
 - (c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.
 - (d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.
 - (e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.
 - (f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subparagraph shall also be allowed on legal non-conforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.



**Figure 16:A**

--- = allowed 6' high fence location

figure16A

- (g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.
- (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
- (i)

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)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1744

Shirley E. Rose
549 Collins St.
Ormond Beach, FL 32174,

Respondent.

Property Address: 5109 Taylor Ave., Port Orange, FL 32127
Parcel ID: 6310-07-55-0010

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 5109 Taylor Ave, Port Orange, Florida 32127, is owned by Shirley E. Rose.
4. That 5109 Taylor 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 5109 Taylor Ave., Port Orange, Florida 32127, at 1:50 p.m. on the 29th 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 29th day of October, 2015.

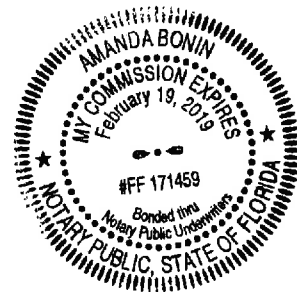
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 29 day of October, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____

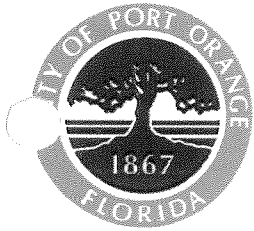


Case Cost Sheet Log

Case No. 15-801

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	06/18/2015	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	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> 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
------	------------------	----------	-------	------------	-----------	------	-----	-----	-----	-----	----------

**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

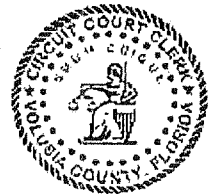
The following Tax Sale Certificate Numbered 15425-12 issued on 06/01/2012 was filed in the office of the tax collector of this County and application made for the issuance of the tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required 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

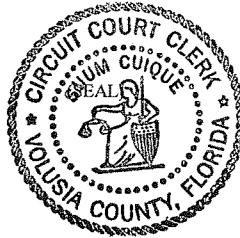
CERTIFICATE OF MAILING

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 CHESSE at 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127,
LYNN CHESSE at 5596 S LANCEWOOD CIR, PORT ORANGE, FL 32127,
TOMMY CHESSE at 5604 LANCEWOOD CIRCLE SOUTH, HARBOR OAKS, FL 32127-6310,
LYNN CHESSE at 5604 LANCEWOOD CIRCLE SOUTH, HARBOR OAKS, FL 32127-6310,
* TOMMY CHESSE at 105 RAINS DRIVE, PONCE INLET, FL 32127,
* LYNN CHESSE 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

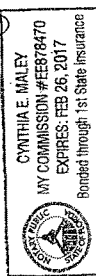
Affiant further says that the Volusia Review is a newspaper published in said Volusia County, Florida, and that the said newspaper has heretofore been continuously published in said Volusia County, Florida once a week or oftener and has been entered as second-class mail matter at the post office in said Volusia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and 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



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 46346 02

Parcel ID 5596 S LANCEWOOD

REPLAT MB 23 PGS 44 & 45 PER OR

2502 PG 1389

Name in which assessed TOMMY &

LYNN CHESSE

Said property being in the County of

VOLUSIA, State of Florida.

Unless such certificate shall be re-

deemed according to law the property

described in such certificate shall be sold

at public auction on the

www.volusia.net/taxdeed.com 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

of Volusia County

By: /s/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 provi-

sion of certain assistance. Please contact

Human Resources at 101 N. Alabama

Avenue, Deland, FL 32724, (386) 822-

2743, TDD (voice) (7) working days of

advance. 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:

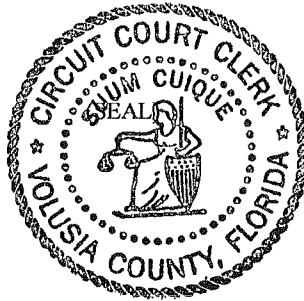
CITY OF PORT ORANGE at UTILITY SERVICES, 1000 CITY CENTER CIRCLE, PORT ORANGE
FL 32129

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

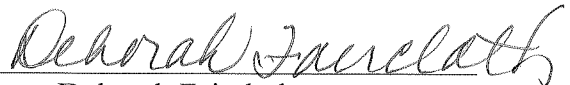
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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.

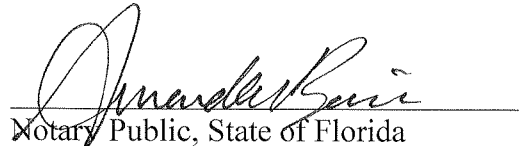
DATED this 16th day of June, 2015.



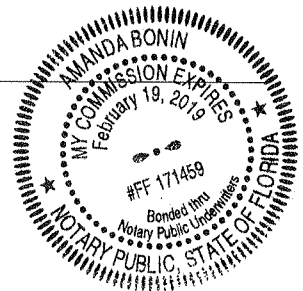
Deborah Faircloth
Code Compliance Inspector

**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. _____

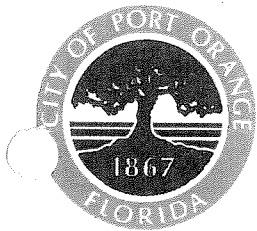


Case Cost Sheet Log

Case No. 15-222

Name	Activity	Activity_Date	Status	Cost
RRRAC LLC	Mailing Finding of Fact/Conclusion of Law & Order to 1559 Town Park Drive, Port Orange, FL 32129	09/09/2015		\$7.21
RRRAC LLC	Notice of Violation/Notice of Hearing hand delivered to Ram Managar on March 24, 2015 at 9:10 a.m.	03/24/2015	Hand Delivered	\$0.00
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	09/09/2015	BK: 7172 PG: 232	\$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. 15-222

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

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

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

Volusia County Public Records
Volusia County, FL

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

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

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 27, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$0.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 27, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 8, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 24th day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

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

☒ Hand-delivered at City Hall

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

Time: 9:10am.

this 24th day of March, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

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

Posted at City Hall

Sent via certified

this ____ day of March, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

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



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

Last Updated: 03-10-2015 Today's Date: 3-16-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	10-16-33-12-08-0010	Mill Group	402 Port Orange		
Short Parcel ID	6310-12-08-0010				
Alternate Key	3616588	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	39		
Date Created	31 DEC 1981				
Owner Name	RRRAC LLC		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1559 TOWN PARK DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32129				
Owner Percentage	100	Ownership Type	Fee Simple		
Location Address	5080 RIDGEWOOD AV PORT ORANGE 32127				

LEGAL DESCRIPTION

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

PER OR 6954 PG 4907

SALES HISTORY[GO TO ADD'L SALES](#)

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

HISTORY OF VALUES[GO TO ADD'L HISTORY](#)

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

LAND DATA

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

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

RRRAC, LLC:

Filing Information

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

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

Title MGR

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

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

Document Images

02/11/2015 -- ANNUAL REPORT

[View image in PDF format](#)

Prepared by and Return to:

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

QUIT CLAIM DEED

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

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

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

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

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

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

Signed, sealed and delivered
in the presence of

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

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

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

STATE OF FLORIDA)
COUNTY OF VOLUSIA)

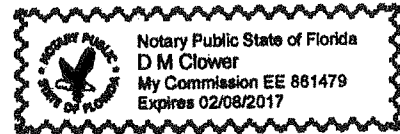
I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments in the State of Florida, personally appeared RAM K. MANGAR and RAMRAGIE MANGAR, who verified under oath that they are the persons who executed the foregoing instrument for the uses and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

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

D.M. Clower
Notary Signature

D.M. CLOWER
Printed Name of Notary

SEAL



national Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including *guards* and handrails, are not structurally sound, not properly *anchored* or are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

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

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

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

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

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

SECTION 306 COMPONENT SERVICEABILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

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

CHAPTER 5

PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501 GENERAL

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

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

[P] SECTION 502 REQUIRED FACILITIES

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

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

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

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

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

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

[P] SECTION 503 TOILET ROOMS

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

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

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

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

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

[P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

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

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

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

SECTION 505 WATER SYSTEM

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

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

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

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

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

[P] SECTION 506 SANITARY DRAINAGE SYSTEM

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

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

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

[P] SECTION 507 STORM DRAINAGE

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

CHAPTER 6

MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION 601 GENERAL

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

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

SECTION 602 HEATING FACILITIES

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

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

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

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

Exceptions:

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

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

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

Exceptions:

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

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

SECTION 603 MECHANICAL EQUIPMENT

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

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

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

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

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

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

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

SECTION 604 ELECTRICAL FACILITIES

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

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

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

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

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

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

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

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

18. Electronic control, signaling and communication equipment.

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

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

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

SECTION 605 ELECTRICAL EQUIPMENT

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

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

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

SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS

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

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

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

CHAPTER 7

FIRE SAFETY REQUIREMENTS

SECTION 701 GENERAL

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

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

[F] SECTION 702 MEANS OF EGRESS

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

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

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

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

[F] SECTION 703 FIRE-RESISTANCE RATINGS

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

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

[F] SECTION 704 FIRE PROTECTION SYSTEMS

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

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

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

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

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

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

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

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

Faircloth, Deborah

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

Deb,

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



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

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

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

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

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

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

Tim B.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten

feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.

- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

Exception: Lights that are continuously illuminated or automatically controlled.

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

Exceptions:

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

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

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

SECTION R304 MINIMUM ROOM AREAS

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

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

Exception: Kitchens.

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

Exception: Kitchens.

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

SECTION R305 CEILING HEIGHT

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

CHAPTER 4

RESIDENTIAL ENERGY EFFICIENCY

SECTION 401 GENERAL

401.1 Scope. This chapter applies to residential buildings.

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

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

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

SECTION 402 BUILDING THERMAL ENVELOPE

402.1 General (Prescriptive).

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

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

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

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

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

402.1.2 Limitations to compliance by Section 402.

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

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

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

Exceptions: The following exceptions apply to additions.

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

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

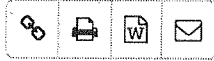
402.2 Specific insulation requirements (Prescriptive).

402.2.1 Ceilings with attic spaces. Reserved.

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

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

Section 2: - Fire codes.



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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-222

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

Respondent.

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

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

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5080 Ridgewood Avenue, Port Orange, Florida 32127, is owned by RRRAC LLC.
4. That 5080 Ridgewood Avenue, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property

at Port Orange City Hall, 1000 City Center Circle, Port Orange, Florida 32129, at 9:10 a.m. on the 24th day of March, 2015, to Ram Mangar, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1): A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 24th day of March, 2015.

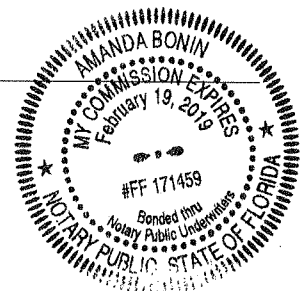
Deborah Faircloth
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 24th day of March, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-222**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

RRRAC LLC
5080 Ridgewood Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), RRRAC, LLC, whose mailing address is 1559 Town Park Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 5080 Ridgewood Avenue, Port Orange, FL 32127, and more particularly described as:

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

B. The condition was first observed at the real property described above on February 24, 2015; re-inspections made on June 4, 2015 and July 10, 2015 confirmed the condition as being the same. Respondent(s), RRRAC, LLC, received notice via hand delivery on March 24, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.7 of the IPMC.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), RRRAC, LLC, by reason of the foregoing, has violated Chapter 3, Section 304.7 of the IPMC, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the damaged roof, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

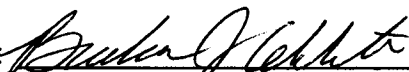
ORDER:

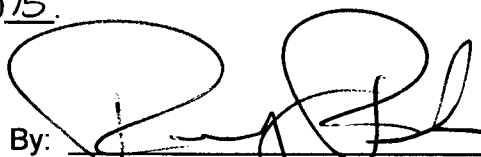
A. Respondent is found in violation of Chapter 3, Section 304.7 of the IPMC. Any fine is deferred to the scheduled hearing date of October 28, 2015. On stipulation of the parties, all other violations cited in the Notice of Violation dated March 24, 2015 are dismissed. The Respondent, or agent acting 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 evaluation by a structural engineer. The evaluation must include a proposed methodology for testing the structural integrity of the roof. The proposed methodology must be one generally recognized and accepted within the profession of structural engineering. Any/all questions, comments or concerns of the building department as to any part of this permit application shall be communicated 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(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this Order.

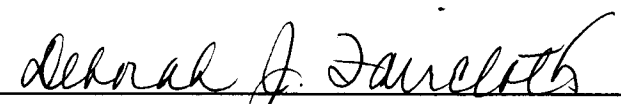
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 6 day of October, 2015.

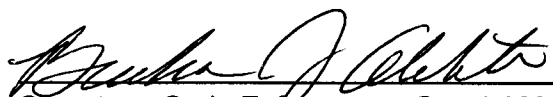
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), RRRAC, LLC, 1559 Town Park Drive, Port Orange, FL 32129 by Certified and Regular Mail this 6 day of October, 2015.


Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1347

Name	Activity	Activity_Date	Status	Cost
Audrey H. Howard/Audrey Howard Revok Liv Trust	Mailing Notice of Violation/Notice of Hearing to 255 Pine Oak Lane, New Smyrna Beach, FL 32127	10/15/2015	Certified Green Card Signed on 11/2/15 and Returned to City Clerk's Office.	\$6.95
Audrey H. Howard/Audrey Howard Revok Liv Trust	Mailing Finding of Fact/Conclusion of Law & Order to 255 Pine Oak Lane, New Smyrna Beach, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1347

To:
Audrey M. Howard
Audrey Howard Revok Liv Trust
255 Pine Oak Ln
New Smyrna Beach, FL 32168

Re: 1137 Bayview Ln
Port Orange, FL 32127
Parcel ID: 6315-06-01-0100

LEGAL DESCRIPTION: 15 16 33 E 60 FT OF W 638 FT OF N 140 FT OF LOT 7 ASSRS SUB MB 3 PG 82 AKA LOT 10
BLK 1 BAYVIEW HOMESITES UNREC SUB 209 PER OR 0860 PG 0339 PER UNREC DC PER
OR 6880 PG 2615 PER D/C 7012 PG 3006

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 6, 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) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

An inspection of the property was conducted on August 6, 2015. Upon inspection, I observed that the property is overgrown and needs to be mowed and maintained. Upon re-inspection on August 18, 2015 the property was still overgrown and in violation.

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 27, 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 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 **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 December 9, 2015, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 13th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Audrey M. Howard, Audrey Howard Revok Liv Trust, 226 Pine Oak Ln, New Smyrna Beach, FL 32168, RE: 1137 Bayview Ln, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 13th day of October, 2015.

Time: approx. 11:35 am

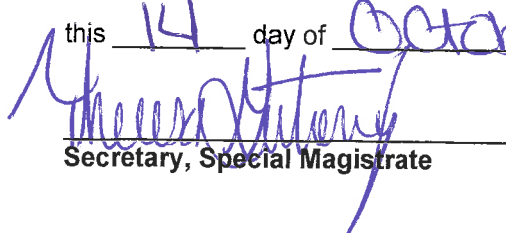
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Audrey M. Howard, Audrey Howard Revok Liv Trust, 226 Pine Oak Ln, New Smyrna Beach, FL 32168, RE: 1137 Bayview Ln, was

☒ Posted at City Hall

☒ Sent via certified

this 14 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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

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

Parcel Information: 6315-06-01-0100 **2015 Preliminary Tax Roll** Last Updated: 10-13-2015

Owner Name and Address

Alternate Key	3635931	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-06-01-0100	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-06-01-0100	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type	Trust	Ownership Percent	100
Owner Name	HOWARD AUDREY M		
Owner Name/Address 1	AUDREY HOWARD REVOC LIV TRUST		
Owner Address 2	255 PINE OAK LN		
Owner Address 3	NEW SMYRNA BEACH FL		
Owner Zip/Postal Code	32168		
Situs Address	1137 BAYVIEW LN PORT ORANGE 32127		

Legal Description

15 16 33 E 60 FT OF W 638 FT OF N 140 FT OF LOT 7 ASSRS SUB MB 3 PG 82 AKA LOT 10 BLK 1 BAYVIEW HOMESITES UNREC SUB 209 PER OR 0860 PG 0339 PER UNREC DC PER OR 6880 PG 2615 PER D/C 7012 PG 3006

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6880 2615	01/2013	Warranty Deed	Unqualified Sale	Yes	100
1251 0371	12/1970	Unknown	Qualified Sale	Yes	2,000

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	8,250	6,167	0	14,417	14,417	13,148	0	14,417	0	13,148
2013	6,700	5,253	0	11,953	11,953	11,953	0	11,953	0	11,953

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0002	VAC PVD MH SITE	60.0	140.0	1.00	LOT	8250.00	100	100	100	100	8,250
Neighborhood 5727 MOBILE HOME PARKS											
Total Land Classified											0
Total Land Just											8,250

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
14-2563	3,500	07-08-2014		DEMOLISH MH		0

[Display Permits](#)

Total Values

Land Value	8,250 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	8,250 Previous Just Value	14,417
School Assessed	8,250 Previous School Assessed	14,417
Non-School Assessed	8,250 Previous Non-School Assessed	13,148
Exemption Value	0 Previous Exemption Value	0
Additional Exemption Value	0 Previous Additional Exemption Value	0

07/10/2013 01:07 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2013-132650 # 1
Book: 6880
Page: 2627

When recorded return to:

Audrey M. Howard
255 Pine Oak Lane
New Smyrna Beach, Florida 32168

**Property Appraiser's Parcel Identification
No. 15-16-33-06-02-0640**

(Space above this line reserved for recording office use only)

WARRANTY DEED

THIS INDENTURE made on JAW 18, 2012, between **AUDREY M. HOWARD** (hereinafter referred to as "Grantor"), who resides at 255 Pine Oak Lane, New Smyrna Beach, Volusia County, Florida 32168, for and in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00) cash and other good and valuable consideration in hand paid by **AUDREY M. HOWARD, Trustee of the AUDREY HOWARD REVOCABLE LIVING TRUST** (hereinafter referred to as "Grantee"), such Grantee having an address of 255 Pine Oak Lane, New Smyrna Beach, Florida 32168, and such trust having been established under that certain revocable declaration of trust dated JAW 18, 2012, by **AUDREY M. HOWARD**, as settlor and as trustee, hereby **GRANT, CONVEY and WARRANT** unto Grantee, all of Grantor's interest in and to the following described real estate in the County of Volusia and State of Florida:

SEE ATTACHED EXHIBIT "A"

The Grantee's tax identification number is: 112 40 82 86.

Full power and authority are conferred upon Grantee, as trustee, to protect, conserve, sell, convey, lease, grant and encumber all interests conveyed by this instrument, and otherwise to manage and dispose of those interests, it being the intent of Grantor to vest in the trustee of the trust full rights of ownership as authorized by Section 689.071 of the Florida Statutes.

Further, the terms of the trust provide for the present possessory right of possession of any homestead property in accordance with the Department of Revenue Rule 12D-7.011 and this deed will be recorded in compliance with Section 196.031(1) of the Florida Statutes, thereby entitling any real property transferred to the trust to homestead exemption status if all of the requirements are met.

This deed was prepared without the benefit of title insurance.

TO HAVE AND TO HOLD the property, to the extent conveyed hereby, in fee simple

forever, subject to the terms and provisions contained herein, together with ~~each and every~~ right, privilege, hereditament and appurtenance in anywise incident or appertaining to the property.

The conveyance made hereby, and the warranties made hereunder, are made by Grantor and accepted by Grantee subject to the following matters, to the extent same are in effect at this time: any and all restrictions, covenants, conditions, liens, encumbrances, reservations, easements, and other exceptions to title, if any, relating to the property, but only to the extent they are still in force and effect and shown of record in Volusia County, Florida, and to all zoning laws, regulations and ordinances of municipal and/or other governmental or quasi-governmental authorities, if any, relating to the property and to all matters which would be revealed by an inspection and/or a current survey of the property.

Grantor does hereby bind Grantor and Grantor's heirs, personal representatives, executors, administrators, successors and assigns to warrant and forever defend all and singular the property, to the extent conveyed hereby, unto Grantee and Grantee's heirs, personal representatives, executors, administrators, successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Taxes for the current year have been prorated and are assumed by Grantee.

IN WITNESS WHEREOF, the Grantor has executed this Warranty Deed on the day and year first above written.

Signed, Sealed and Delivered
in presence of

Wendy L. Montemurro
Witness

Wendy L. Montemurro
Print Name

Audrey M. Howard
AUDREY M. HOWARD

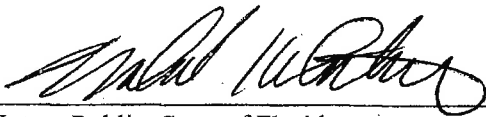
Teresa Lowe
Witness

Teresa Lowe
Print Name

THE STATE OF FLORIDA §
 §
COUNTY OF VOLUSIA §

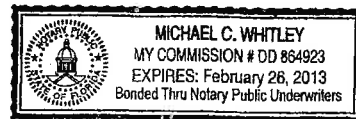
The foregoing instrument was acknowledged before me, the undersigned authority, by AUDREY M. HOWARD, Grantor, who produced a driver's license issued by Florida that contained her photograph and signature as identification thereby proving her to be the person whose name is subscribed to the foregoing instrument as Grantor, who identified this instrument as a Deed and signed such instrument willingly as Grantor for the purposes and consideration therein expressed, and who signed such instrument in the presence of Wendy L. Montemurro, a witness who has produced a driver's license issued by Florida that contained the photograph and signature of such witness as identification, and of Teresa Lowe, a witness who has produced a driver's license issued by Florida that contained the photograph and signature of such witness as identification:

GIVEN UNDER MY HAND AND SEAL OF OFFICE, on
JAN 18, 2013



Notary Public, State of Florida

Notary's printed name: Michael Whitley



Instrument# 2013-132650 #4
Book: 6880
Page: 2629
Diane M. Matousek
Volusia County, Clerk of Court

EXHIBIT "A"

15 16 33 E 66 FT OF W 386 FT OF S 100 FT OF LOTS 7 8 9 ASSRS SUB MB 3 PG 82
AKA LOT 64 BLK 2 BAYVIEW HOMESITES UNREC SUB 209 PER OR 2904 PG 0019 PER
OR 6297 PG 0393

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1347

Audrey M. Howard
Audrey Howard Revok Liv Trust,
Respondent,

Property Address: 1137 Bayview Ln,
Port Orange, FL 32127
Parcel ID: 6315-06-01-0100

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 1137 Bayview Ln, Port Orange, Florida 32127, is owned by Audrey M. Howard.
4. That 1137 Bayview Ln, 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 1137 Bayview, Port Orange, Florida 32127, at 11:35 a.m. on the 13 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 15th day of OCTOBER, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 15th day of
October, 2015, by J. Scott Allman, who is
personally known to me.

Amanda Bonin

Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1360

Name	Activity	Activity_Date	Status	Cost
Jeffrey James	Mailing Notice of Violation/Notice of Hearing to 5487 Ward Lake Drive, Port Orange, FL 32128	10/14/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Kimberly Ann English	Mailing Notice of Violation/Notice of Hearing to 5487 Ward Lake Drive, Port Orange, FL 32128	10/14/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Jeffrey James	Mailing Finding of Fact/Conclusion of Law & Order to 5487 Ward Lake Drive, Port Orange, FL 32128	12/09/2015		\$7.21
Kimberly Ann English	Mailing Finding of Fact/Conclusion of Law & Order to 5487 Ward Lake Drive, Port Orange, FL 32128	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00

Total: \$55.32



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1360

To:
Jeffrey James & Kimberly Ann English
5487 Ward Lake Drive
Port Orange, FL 32128

Re: 5487 Ward Lake Drive
Port Orange, FL 32128
Parcel ID: 6224-04-00-1080

LEGAL DESCRIPTION: LOT 108 FOREST LAKES PRESERVE PHASE II MB 49 PGS 55-56 INC PER OR 5065 PG 96
PER UNREC D/C PER OR 5948 PG 1323-1324

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 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

The property is overgrown and needs to be mowed and maintained on a regular basis. Upon re-inspection the front yard was mowed but the back remains overgrown.

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on December 9, 2015, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 13th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffrey James & Kimberly Ann English, 5487 Ward Lake Drive, Port Orange, FL 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 13th day of October, 2015.

Time: approx. 12:30 p.m.

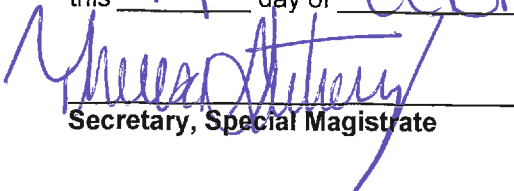
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jeffrey James & Kimberly Ann English, 5487 Ward Lake Drive, Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified

this 14 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

Home Search Choices Search By Location Address Property Information

Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6224-04-00-1080 **2015 Preliminary Tax Roll** Last Updated: 09-29-2015

Owner Name and Address

Alternate Key	6122148	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6224-04-00-1080	Mill Group	402 Port Orange
Full Parcel ID	24-16-32-04-00-1080	2014 Final Mill Rate	21.15960
Created Date	26 SEP 2002		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	ENGLISH JEFFREY JAMES &		
Owner Name/Address 1	KIMBERLY ANN		
Owner Address 2	5487 WARD LAKE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32128		
Situs Address	5487 WARD LAKE DR PORT ORANGE 32128		

Legal Description

LOT 108 FOREST LAKES PRESERVE PHASE II MB 49 PGS 55-56 INC PER OR 5065 PG 96 PER UNREC D/C PER OR 5948 PG 1323-1324

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5948 1323	10/2006	Warranty Deed	Qualified Sale	Yes	232,000
5065 0096	04/2003	Warranty Deed	Qualified Sale	No	162,316

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	25,900	119,465	627	145,992	126,643	126,643	25,000	101,643	25,000	76,643
2013	25,900	98,237	634	124,771	124,771	124,771	25,000	99,771	25,000	74,771

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value	
0143	IMP NAT AREA FRT	55.0	111.0	1.00	LOT	25900.00	100	100	100	100	25,900	
Neighborhood	5816 FOREST LAKE PRESERVE PH 1											
											Total Land Classified	0
											Total Land Just	25,900

Building Characteristics

Building Number: 183780 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
183780	Single Family	194	2003	325		5%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		1
Heat Type1	Forced Ducted	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	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	C B STUCCO	1.0	2003	N	0%	0%	1720 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	2003	N	0%	0%	42 Sq. Feet	
004	Finished Garage (FGR)	Non-Applicable	1.0	2003	N	0%	0%	404 Sq. Feet	
005	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	2003	N	0%	0%	105 Sq. Feet	

Prepared by
Tracey Crotty Portigo, an employee of
First American Title Insurance Company
733 Dunlawton Avenue, Suite 101
Port Orange, Florida 32127
(386)761-7511

Return to: Grantee

File No.: 1019-1360281

WARRANTY DEED

This indenture made on **October 30, 2006 A.D.**, by

James Gabriel, II, a/k/a James P Gabriel widower and Surviving spouse of Beverly Gabriel, deceased

whose address is: **1698 P [REDACTED] Dr, Port Orange, FL 32129**
hereinafter called the "grantor",

Jeffrey James English and Kimberly Ann English, husband and wife

whose address is: **5487 Ward Lake Drive, Port Orange, FL 32128**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia County, Florida**, to-wit:

Lot 108 FOREST LAKE PRESERVE, PHASE II according to the plat thereof, recorded in Map Book 49, Page(s) 55 and 56 of the Public Records of Volusia County, Florida.

Parcel Identification Number: **622404001080**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way 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 31st of 2005.

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

James Gabriel II
James Gabriel II

Signed, sealed and delivered in our presence:

Diane J. Kirvan
Witness Signature

Print Name: DIANE J. KIRVAN

Vicki Morgan
Witness Signature

Print Name: Vicki Morgan

State of **FL**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **October 30, 2006**, by **James Gabriel, II** who is/are personally known to me or who has/have produced a valid driver's license as identification.



Andi Ward

NOTARY PUBLIC
ANDI WARD

Notary Print Name
My Commission Expires: _____

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1360

Jeffery James & Kimberly Ann English,
Respondents,

Property Address: 5487 Ward Lake Dr,
Port Orange, FL 32128
Parcel ID: 6224-04-00-1080

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 5487 Ward Lake Dr, Port Orange, Florida 32128, is owned by Jeffery James & Kimberly Ann English.
4. That 5487 Ward Lake Dr, Port Orange, Florida 32128, is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5487 Ward Lake Dr, Port Orange, Florida 32128, at 12:30 p.m. on the 13 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 15th day of October, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

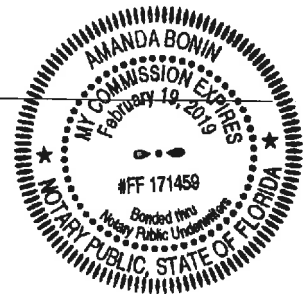
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 15th day of
October, 2015, by J. Scott Allman, who is
personally known to me.

Amanda Bonin

Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-768

Name	Activity	Activity_Date	Status	Cost
Lynn Nelson	Mailing Notice of Violation/Notice of Hearing to 6509 Baywood Avenue, Port Orange, FL 32127	10/15/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Dolores Ann Nelson	Mailing Notice of Violation/Notice of Hearing to 6509 Baywood Avenue, Port Orange, FL 32127	10/15/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Lynn Nelson	Mailing Finding of Fact/Conclusion of Law & Order 6509 Baywood Avenue, Port Orange, FL 32127	12/09/2015		\$7.21
Dolores Ann Nelson	Mailing Finding of Fact/Conclusion of Law & Order 6509 Baywood Avenue, Port Orange, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00

Total: \$55.32



NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-768

To:
Lynn Nelson &
Dolores Ann Nelson JTWROS
6509 Baywood Avenue
Port Orange, FL 32127

Re: 6509 Baywood Avenue
Port Orange, FL 32127
Parcel ID: 6315-06-02-0740

LEGAL DESCRIPTION: 15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS SUB MB 3-PG 82 AKA LOT
74 BLK 2 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 4527 PG 1488

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May1, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. efly stated, the property is in violation of the following:

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

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

This property is overgrown and needs to be mowed and maintained on a regular basis and all garbage junk trash and debris needs to be removed. This is a repeat violation of case number 14-979.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 13th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lynn Nelson & Dolores Ann Nelson JTWR0S, 6509 Baywood Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 13th day of October, 2015.

Time: approx. 11:45 AM

J. Scott Allman
J. Scott Allman, Code Enforcement Officer

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lynn Nelson & Dolores Ann Nelson JTWR0S, 6509 Baywood Avenue, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified

this 14 day of October, 2015.

Sherran Hickey
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. 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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

[Notice of Proposed Taxes](#)

[Estimate of Taxes](#)

Parcel Information: 6315-06-02-0740 **2015 Preliminary Tax Roll** Last Updated: 09-29-2015

Owner Name and Address

Alternate Key	3636791	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6315-06-02-0740	Mill Group	402 Port Orange
Full Parcel ID	15-16-33-06-02-0740	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	NELSON LYNN &		
Owner Name/Address 1	DOLORES ANN NELSON JTWROS		
Owner Address 2	6509 BAYWOOD AVENUE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	6509 BAYWOOD AV PORT ORANGE 32127		

Legal Description
 15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS SUB MB 3 PG 82 AKA LOT 74 BLK 2 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 4527 PG 1488

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4527 1488	03/2000	Warranty Deed	Creative financing	Yes	36,300
3316 0738	06/1989	Warranty Deed	Qualified Sale	Yes	33,000
3316 0736	03/1989	Warranty Deed	Unqualified Sale	Yes	5,090
2352 1352	04/1982	Unknown	Multi parcel sale	Yes	100
1839 0118	05/1976	Warranty Deed	Qualified Sale	Yes	4,000

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	8,250	0	0	8,250	8,250	8,250	0	8,250	0	8,250
2013	6,700	14,311	0	21,011	21,011	21,011	0	21,011	0	21,011

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0002	VAC PVD MH SITE	69.0	92.0	1.00	LOT	8250.00	100	100	100	100	8,250
Neighborhood 5727 MOBILE HOME PARKS											
Total Land Classified											0
Total Land Just											8,250

Parcel Notes (Click button below to display Parcel Notes)
[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
13-3802	4,900	10-29-2013		DEMO STRUCTURE		0

[Display Permits](#)

Total Values

Land Value	8,250 New Construction Value		
Building Value	0 City Econ Dev/Historic		0
Miscellaneous	0		0
Just Value	8,250 Previous Just Value		8,250
School Assessed	8,250 Previous School Assessed		8,250

This Warranty Deed

03/03/2000 11:21
Doc stamps 254.10
(Transfer Amt \$ 36300)
Instrument # 2000-036190
Book: 4527
Page: 1488

Made this 1st day of March A.D. 2000
by Kevin R. Hamp and Marsha A. Hamp,
husband and wife

hereinafter called the grantor, to
Lynn Nelson and Dolores Ann Nelson,
Joint Tenants with Right of Survivorship
not as Tenants in common.

whose post office address is:
6509 Baywood Ave
Port Orange, Florida 32127

hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of \$ 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:

See Schedule A attached hereto and by this reference made a part
hereof.

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

Parcel Identification Number: 6315-06-02-0740

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, 99

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: Alexandra Gloscholtz
witness: Alexandra Gloscholtz
Name: Denise E Groody
witness: DENISE E GROODY

Name & Address: Kevin R. Hamp LS
Name & Address: Marsha A. Hamp LS

Name: _____

Name & Address: _____ LS

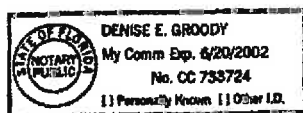
Name: _____

Name & Address: _____ LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 1st day of March, 2000, by
Kevin R. Hamp and Marsha A. Hamp, husband and wife

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



Denise E Groody
Notary Public
Print Name: _____
My Commission Expires: _____

PREPARED BY: Denise E. Groody
RECORD & RETURN TO:
Columbia Title Research Corporation
200 Forest Lake Blvd. Suite 1
Daytona Beach, Florida 32119
File No: 99-4248

Schedule A

Lot 74, Block 2, BAYVIEW HOMESITES UNRECORDED SUBDIVISION NO. 209, being more particularly described as follows: Being a portion of Lot 8, ASSESSORS'S SUBDIVISION as recorded in Map Book 3, page 82, of the Public Records of Volusia County, Florida, being also a portion of Section 15, Township 16 South, Range 33 East, and more particularly described as follows: Commence at the Southwest corner of said Section 15; thence East along the South boundary of said Section 15, a distance of 1,228 feet; thence North and parallel to the West line of said Section 15, a distance of 419 feet to the Point of Beginning; thence East and parallel to the South boundary of said Section 15 a distance of 92 feet; thence South and parallel to the West boundary of said Section 15 a distance of 69 feet; thence West and parallel to the South boundary of said Section 15 a distance of 92 feet; thence North and parallel to the West boundary of said Section 15 a distance of 92 feet to the Point of Beginning.

Together with that certain 1975 Magnum Single Wide Mobile Home ID#21279 Title # [REDACTED]

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-979**

10/28/2014 12:39 PM
Instrument# 2014-194822 # 1
Book : 7047
Page : 3224

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

**Lynn Nelson & Dolores Ann Nelson JTWR0S
6509 Baywood Avenue
Port Orange, FL 32127
6319 [REDACTED]**

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 22, 2014, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, Lynn Nelson & Dolores Ann Nelson JTWR0S, whose mailing address is 6509 Baywood Drive, Port Orange, FL 32127, is the owner of the property located at 6509 Baywood Drive, Port Orange, FL 32127, and more particularly described as:

**15 16 33 E 92 FT OF N 69 FT OF S 419 FT OF LOTS 8 & 9 ASSRS
SUB MB 3 PG 82 AKA LOT 74 BLK 2 BAYVIEW HOMESITES UNREC SUB
NO 209 PER OR 4527 PG 1488**

B. The property is overgrown and needs to be mowed and maintained. All garbage, trash, and debris need to be removed. This condition was first observed at the real property described above on April 29, 2014; re-inspections made on October 1, 2014 and October 15, 2014 confirmed the condition as being the same. Respondents, Lynn Nelson & Dolores Ann Nelson JTWR0S, received notice via certified mail and posted at City Hall on September 17, 2014 as well as property posting on September 16, 2014. The aforesaid conditions constituted a violation of Chapter 42, Section 42-26 (a)(d)(f), as relates to high weeds and undergrowth and garbage, trash and debris, and was to be corrected by September 26, 2014.

C. At the time of the hearing on October 22, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondents, Lynn Nelson & Dolores Ann Nelson JTWROS, by reason of the foregoing, have violated Chapter 42, Section 42-26 (a)(d)(f), as relates to high weeds and undergrowth and garbage, trash and debris, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass located at the property is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondents shall correct the aforesaid violation by mowing the property in its entirety and removing all garbage, junk, and debris from the property on or before October 31, 2014. In the event the accused has not come into compliance by October 31, 2014, then the City shall have the option to abate the violation as there is a health and safety concern and lien the property for all costs incurred. 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 \$54.30 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

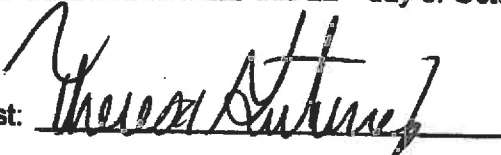
B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. The City Council shall be notified of this violation and, if the Respondents have not abated the violation by October 31, 2014, it may make all repairs which are required to bring the property into compliance and charge violator with the reasonable cost of the repairs.

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207.

DONE AND ORDERED this 22nd day of October, 2014.

Attest:



Secretary, Code Enforcement Special Magistrate

By:



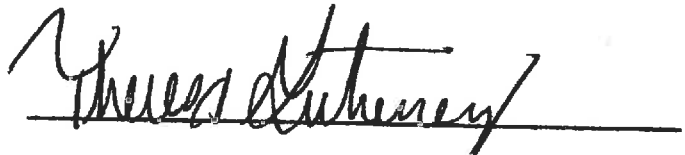
Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent Lynn Nelson & Dolores Ann Nelson JTWROS, 6509 Baywood Drive, Port Orange, FL 32127 by Certified and Regular Mail this 23rd day of October, 2014.



Secretary, Code Enforcement Special Magistrate

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-768

**Lynn Nelson &
Dolores Ann Nelson JTWROS,**
Respondent,

**Property Address: 6509 Baywood Ave,
Port Orange, FL 32127
Parcel ID: 6315-06-02-0740**

**AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 6509 Baywood Ave, Port Orange, Florida 32127, is owned by Lynn Nelson & Dolores Ann Nelson JTWROS.
4. That 6509 Baywood 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 6509 Baywood Ave, Port Orange, Florida 32127, at 11:45 a.m. on the 13 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 15th day of October, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 15th day of
October, 2015, by J. Scott Allman, who is
personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1560

Name	Activity	Activity_Date	Status	Cost
Jacqueline M. Acosta	Mailing Notice of Violation/Notice of Hearing to 825 Upland Drive, Port Orange, FL 32127	10/21/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Donald A. Acosta	Mailing Notice of Violation/Notice of Hearing to 825 Upland Drive, Port Orange, FL 32127	10/21/2015	Certified Mail Returned to City Clerk's Office marked "Unclaimed".	\$6.95
Jacqueline M. Acosta	Mailing Finding of Fact/Conclusion of Law & Order to 825 Upland Drive, Port Orange, FL 32127	12/09/2015		\$7.21
Donald A. Acosta	Mailing Finding of Fact/Conclusion of Law & Order to 825 Upland Drive, Port Orange, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$27.00

Total: \$55.32



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1560

To:
Jacqueline M. Acosta &
Donald A. Acosta
825 Upland Dr
Port Orange, FL 32127

Re: 825 Upland Dr
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150

LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS
4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 3, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

An inspection of the property was conducted on September 3, 2015. Upon inspection, I observed that the property is overgrown and needs to be mowed and maintained. Upon re-inspection on September 30, 2015 the property was still overgrown and in violation.

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 **November 2, 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 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 **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. \$ 13.90 - JSD

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 19th day of OCTOBER, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. Acosta & Donald A. Acosta, 825 Upland Dr, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 19th day of OCTOBER, 2015.

Time: approx. 11:35 AM

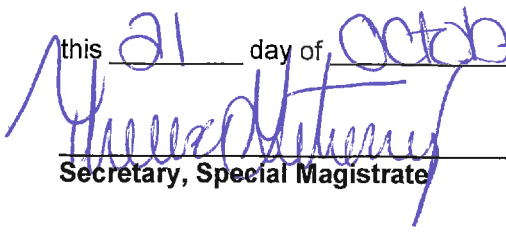
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. Acosta & Donald A. Acosta, 825 Upland Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 21 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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6321-04-00-1150 **2016 Working Tax Roll** Last Updated: 10-18-2015

Owner Name and Address

Alternate Key	3660951	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6321-04-00-1150	Mill Group	402 Port Orange
Full Parcel ID	21-16-33-04-00-1150	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	ACOSTA JACQUELINE M &		
Owner Name/Address 1	DONALD A ACOSTA		
Owner Address 2	825 UPLAND DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	825 UPLAND DR PORT ORANGE 32127		

Legal Description

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5969	2888	12/2006	Warranty Deed	Unqualified Sale	Yes	100
5952	0372	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5947	4351	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5910	1211	09/2006	Personal Rep.	Unqualified Sale	Yes	100
5864	4185	06/2006	Warranty Deed	Affiliated Parties	Yes	15,000
5865	4113	03/2003	Death Certificate	Unqualified Sale	Yes	100
4975	1225	10/2002	Warranty Deed	Qualified Sale	Yes	150,000
2467	1813	07/1983	Warranty Deed	Qualified Sale	No	13,200

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
2015	15,019	120,281	12,281	147,581	147,581	147,581	0	147,581	0	147,581
2014	15,019	109,167	10,107	134,293	134,293	134,293	0	134,293	0	134,293

[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	84.0	167.0	84.00	FRONT FEET	160.00	112	100	100	100	15,019
Neighborhood	5680 DEVONWOOD, HAMLET, HAMLET 1ST										
											Total Land Classified
											0
											Total Land Just
											15,019

Building Characteristics

Building Number: 118384 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118384	Single Family	208	1984	300		19%	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)	C B STUCCO	1.0	1984	N	0%	0%	1845 Sq. Feet	
002	Finished Garage (FGR)	Non-Applicable	1.0	1984	N	0%	0%	462 Sq. Feet	
003	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1984	N	0%	0%	12 Sq. Feet	

11/06/2006 02:35 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2006-277828 # 1
Book : 5947
Page : 4351

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

Return to:
→ Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

QUITCLAIM DEED

This Quitclaim Deed made this 3rd day of November, 2006, by BRIAN WELLINGTON, a single man, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

NOW THEREFORE, Grantor, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration in hand, paid by Grantee; the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has in and to that real property located in Volusia County, Florida, and more particularly described as follows:

THE FOLLOWING DESCRIBED LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF VOLUSIA STATE OF FLORIDA:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE

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

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

Brian Wellington
Grantor, BRIAN WELLINGTON

WITNESSES:

Leticia Beran Court
Witness Signature
Print Name: Leticia Beran Court

Karen J. Goldberg
Witness Signature
Print Name: Karen J. Goldberg

STATE OF FLORIDA)

COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me, this 3rd day of November 2006, by BRIAN WELLINGTON, who is personally known to me or who has produced _____ as identification.

Minokah Lipps
NOTARY PUBLIC - STATE OF FLORIDA
Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1560

Jacqueline M. Acosta &
Donald A. Acosta

Respondents.

Property Address: 825 Upland Dr
Parcel ID: 6321-04-00-1150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 825 Upland Dr, Port Orange, Florida 32127, is owned by Jacqueline M. Acosta & Donald A. Acosta.
4. That 825 Upland 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 825 Upland Dr, Port Orange, Florida 32127, at 11:35 a.m. on the 19 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.

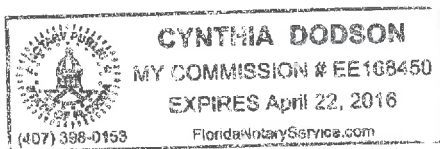
DATED this 20th day of October, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 20 day of
October, 2015, by J. Scott Allman, who is
personally known to me.



Cynthia Dodson
Notary Public, State of Florida

Commission No. 4/22/16

Case Cost Sheet Log

Case No. 15-1683

Name	Activity	Activity_Date	Status	Cost
Peter H. Easterbrook	Mailing Notice of Violation/Notice of Hearing to 5756 Dogwood Rd., Port Orange, FL 32127	10/21/2015	Certified Green Card Signed by Peter H. Easterbrook and Returned to the City Clerk's Office.	\$6.73
Peter H. Easterbrook	Mailing Finding of Fact/Conclusion of Law & Order to 5756 Dogwood Rd., Port Orange, FL 32127	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1683

To:
Peter H. Easterbrook
5756 Dogwood Rd
Port Orange, FL 32127

Re: 5756 Dogwood Rd
Port Orange, FL 32127
Parcel ID: 6317-00-00-0135

LEGAL DESCRIPTION: 17-16-33 W 358 FT OF N 121 FT OF W 1/2 OF SE 1/4 OF SE 1/4 PER OR 4312 PGS 4614-4621 PER OR 6072 PG 2728 PER OR 6540 PG 45

Volusia County Public Records
Volusia County, FL

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

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

An inspection of the property was conducted on September 21, 2015. Upon inspection, I observed that the property is overgrown and needs to be mowed and maintained. Upon re-inspection on October 7, 2015 the property was still overgrown and in violation.

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 **November 3, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate 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 **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 **December 9, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 20th day of October, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter H. Easterbrook, 5756 Dogwood Rd, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 20th day of October, 2015.

Time: approx. 11:50 pm

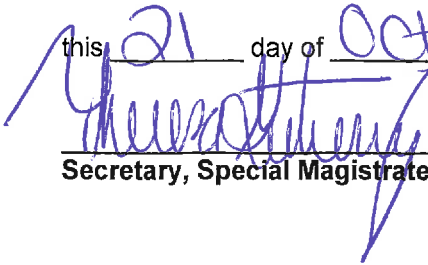
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter H. Easterbrook, 5756 Dogwood Rd, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 21 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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6317-00-00-0135 **2016 Working Tax Roll** Last Updated: 10-18-2015

Owner Name and Address

Alternate Key	3646070	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6317-00-00-0135	Mill Group	402 Port Orange
Full Parcel ID	17-16-33-00-00-0135	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	EASTERBROOK PETER H		
Owner Name/Address 1			
Owner Address 2	5756 DOGWOOD RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	5756 DOGWOOD RD PORT ORANGE 32127		

Legal Description
 17-16-33 W 358 FT OF N 121 FT OF W 1/2 OF SE 1/4 OF SE 1/4 PER OR 4312 PGS 4614-4621 PER OR 6072 PG 2728 PER OR 6540 PG 4517

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6540 4517	11/2010	Quit Claim Deed	Unqualified Sale	Yes	100
6072 2728	05/2007	Quit Claim Deed	Unqualified Sale	Yes	100
4312 4614	05/1998	Warranty Deed	Qualified Sale	Yes	98,500
3776 0854	10/1992	Warranty Deed	Qualified Sale	Yes	86,000
3310 1320	05/1989	Warranty Deed	Qualified Sale	Yes	79,900
2293 1522	08/1981	Unknown	Qualified Sale	Yes	56,000

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
2015	48,510	71,560	10,964	131,034	107,890	107,890	25,000	82,890	25,000	57,890
2014	44,550	60,578	6,683	111,811	107,034	107,034	25,000	82,034	25,000	57,034

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0105	IMP PVD .5 - .99 AC	121.0	358.0	0.99	ACREAGE	49000.00	100	100	100	100	48,510
Neighborhood 5720 TWP 16 S RNG 33 E SECT 17											
Total Land Classified											0
Total Land Just											48,510

Building Characteristics
 Building Number: 117009 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
117009	Single Family	202	1971	300		35%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	4	4 Fixture Bath 0		
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	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		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	Porch, Screened Finished (FSP)	Non-Applicable	1.0	1971	N	0%	0%	231 Sq. Feet	
002	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1971	N	0%	0%	1922 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1971	N	0%	0%	66 Sq. Feet	

PREPARED BY AND RETURN TO:
Edward A. Millis, P.A.
1414 W. Granada Blvd., Suite IV
Ormond Beach, Florida 32174
Kinch-5

06/05/1998 15:56
Doc stamps 0.70
(Transfer Amt \$ 10)
Instrument # 98100904
Book: 4312
Page: 4620
Diane M. Matousek
Volusia County, Clerk of Court

[Space Above This Line for Recording]

PERSONAL REPRESENTATIVE'S QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, Executed this May 26, 1998, by **BETTE J. KINCH**, an unmarried widow, both individually and as Personal Representative of the Estate of Orson Kinch, deceased, whose post office address is 1000 Walker Street #47, Holly Hill, Florida 32117, first party, to **PETER H. EASTERBROOK** and **KATHLEEN M. EASTERBROOK**, husband and wife, whose post office address is 5756 Dogwood Road, Port Orange, Florida 32119, second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

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

Westerly 358 feet of the Northerly 121 feet of the West 1/2 of the Southeasterly 1/4 of the Southeasterly 1/4, Section 17, Township 16 South, Range 33 East, Volusia County, Florida.

Parcel Identification Number: 6317-00-00-0135

Subject to taxes for the year 1998 and subsequent years.

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

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

Signed, sealed and delivered in
the presence of

Witness Printed Name: Edward A. Millis

Bette J. Kinch (Seal)
Bette J. Kinch, both individually and as Personal
Representative of the Estate of Orson Kinch,
deceased

Linda T. Wyllie
Witness Printed Name: Linda T. Wyllie

STATE OF FLORIDA
COUNTY OF VOLUSIA

THE FOREGOING INSTRUMENT was acknowledged before me on May 26, 1998 by Bette J. Kinch, an unmarried widow, both individually and as Personal Representative of the Estate of Orson Kinch, deceased, who is personally known to me or who has/have produced as identification and who did not take an oath.

Edward A. Millis
Notary Public, State of Florida

My Commission expires:



EDWARD A. MILLIS
My Commission CC385773
Expires Jun. 21, 1998
Bonded by HA
800-400-0000

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1683

Peter H. Easterbrook,

Respondent,

Property Address: 5756 Dogwood Rd,
Port Orange, FL 32127
Parcel ID: 6317-00-00-0135

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 5756 Dogwood Rd, Port Orange, Florida 32127, is owned by Peter H. Easterbrook.
4. That 5756 Dogwood Rd, 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 5756 Dogwood Rd, Port Orange, Florida 32127, at 11:50 a.m. on the 20 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.

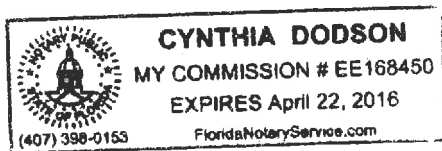
DATED this 21st day of OCTOBER, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 21 day of
OCTOBER, 2015, by J. Scott Allman, who is
personally known to me.



Cynthia Dodson

Notary Public, State of Florida

Commission No. 4/22/16

Case Cost Sheet Log

Case No. 15-1799

Name	Activity	Activity_Date	Status	Cost
Access Funding, LLC	Mailing Notice of Violation/Notice of Hearing to 604 Sea View Circle, Destin, FL 32541	11/04/2015	Your item was delivered at 1:04 pm on November 9, 2015 in DESTIN, FL 32541.	\$6.95
Access Funding, LLC	Mailing Finding of Fact/Conclusion of Law & Order to 604 Sea View Circle, Destin, FL 32541	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1799

To: Access Funding LLC
604 Sea View Circle
Destin, FL 32541

Re: 560 Newton Rd
Port Orange, FL 32127
Parcel ID: 6328-00-00-0014

LEGAL DESCRIPTION: 28 16 33 S 140 FT OF N 660 FT OF E 144 FT OF W 758.64 FT OF NE 1/4 OF NE 1/4 PER OR
4493 PG 1151 PER OR 5766 PGS 0669-0670 INC PER OR 6575 PGS 1677-1678 PER OR 6635
PG 3568 PER OR 7072 PG 4348

Volusia County Public Records
Volusia County, FL

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

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

An inspection of the property was conducted on October 21, 2015. Upon inspection, I observed the property being very overgrown. Upon re-inspection on October 29, 2015 the condition was the same. To correct the violations, the entire property needs to be mowed and all high weeds trimmed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **November 25, 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 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 **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

the event the **Special Magistrate**, during the hearing on **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 3rd day of NOVEMBER, 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 Access Funding LLC, 560 Newton Rd, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

this 3rd day of NOVEMBER, 2015.

Time: approx. 12:15 pm

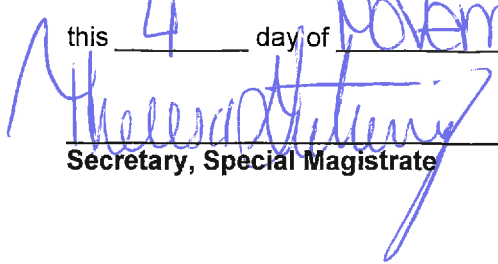
J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Access Funding LLC, 604 Sea View Circle, Destin FL, 32541, was

☒ Posted at City Hall

☒ Sent via certified

this 4 day of November, 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](#)

[Home](#) | [Search Choices](#) | [Search By Location Address](#) | [Property Information](#)

Parcel Information: 6328-00-00-0014 **2016 Working Tax Roll** Last Updated: 11-01-2015

Owner Name and Address

Alternate Key	3666780	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6328-00-00-0014	Mill Group	402 Port Orange
Full Parcel ID	28-16-33-00-00-0014	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	ACCESS FUNDING LLC		
Owner Name/Address 1			
Owner Address 2	604 SEA VIEW CIRCLE		
Owner Address 3	DESTIN FL		
Owner Zip/Postal Code	32541		
Situs Address	560 NEWTON RD PORT ORANGE 32127		

Legal Description
 28 16 33 S 140 FT OF N 660 FT OF E 144 FT OF W 758.64 FT OF NE 1/4 OF NE 1/4 PER OR 4493 PG 1151 PER OR 5766 PGS 0669-0670 INC PER OR 6575 PGS 1677-1678 PER OR 6635 PG 3568 PER OR 7072 PG 4348

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7072 4348	01/2015	Warranty Deed	Qualified Sale	No	22,000
6635 3568	09/2011	Quiet Title	Unqualified Sale	No	100
6575 1677	03/2011	Tax Deed	Unqualified Sale	No	8,100
5766 0669	02/2006	Warranty Deed	Qualified Sale	No	105,000
4493 1151	10/1999	Quit Claim Deed	Affiliated Parties	Yes	10
2302 0509	10/1981	Warranty Deed	Unqualified Sale	Yes	30,000

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
2015	18,026	0	0	18,026	18,026	18,026	0	18,026	0	18,026
2014	18,026	0	0	18,026	18,026	18,026	0	18,026	0	18,026

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0002	VAC PVD MH SITE	144.0	140.0	144.00	FRONT FEET	120.00	104	100	100	100	18,026
Neighborhood 5663 COVE MB 38 PG 185											
Total Land Classified											0
Total Land Just											18,026

Parcel Notes (Click button below to display Parcel Notes)
[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
4313	1,000	06-13-2005				0

[Display Permits](#)

Total Values

Land Value	18,026 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	18,026 Previous Just Value	18,026
School Assessed	18,026 Previous School Assessed	18,026
Non-School Assessed	18,026 Previous Non-School Assessed	18,026

Record and Return to:
Southern Title Holding Company, LLC
2335 Beville Road
Daytona Beach, FL 32119
Prepared by:
Andrea Swanto Boswell, C.L.C.
Southern Title Holding Company, LLC
400 Seabreeze Blvd
Daytona Beach, FL 32118
File Number: SB142104

Special Warranty Deed

This Special Warranty Deed made this 9th day of January, 2015, between Joseph G. Evans, a/k/a Garrison Joseph Evans, and Neil Read whose post office address is 1706 S. Nova Rd., Daytona Beach, FL 32119, grantor, and Access Funding LLC, an Arizona Limited Liability Company, whose post office address is 604 Sea View Circle, Destin, FL 32541, grantee:

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

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

THE SOUTHERLY 140 FEET OF THE NORTHERLY 660 FEET OF THE EASTERLY 144 FEET OF THE WESTERLY 758.64 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 16 SOUTH, RANGE 33 EAST, VOLUSIA COUNTY, FLORIDA, TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER AND THROUGH THE SOUTHERLY 50 FEET OF THE NORTHERLY 520 FEET OF THE EASTERLY 976.86 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 28 AND THROUGH THE NORTHERLY 50 FEET OF THE WESTERLY 100 FEET OF LOT 4, SUB-DIVISION OF LOT 3, SECTION 27, TOWNSHIP 16 SOUTH, RANGE 33 EAST, AS PER MAP RECORDED IN MAP BOOK 3, AT PAGE 82, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

Parcel Identification Number: 6328-00-00-0014

The property herein conveyed is not the constitutional homestead of the Grantor herein.

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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

Signed, sealed and delivered in our presence:

Witness Name: Heather Testin

Witness Name: Andrea M. Boswell

Joseph G. Evans

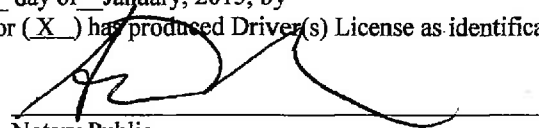
Neil Read

Instrument# 2015-006054 # 2
Book : 7072
Page : 4349
Diane M. Matousek
Volusia County, Clerk of Court

State of Florida

County of Volusia

The foregoing instrument was acknowledged before me this 9th day of January, 2015, by
Joseph G. Evans, Neil Read, they () is personally known to me or (X) has produced Driver(s) License as identification.



Notary Public

Printed Name: _____

My Commission Expires: _____



FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

[Home](#)[Contact Us](#)[E-Filing Services](#)[Document Searches](#)[Forms](#)[Help](#)[Previous List](#)[Next List](#)

Entity Name Search

Entity Name List

Corporate Name	Document Number	Status
ACCESS FUNDING, INC.	P02000054214	INACT
ACCESS FUNDING INC	P11000027957	Active
ACCESS FUNDING CORP.	P92000013473	INACT
ACCESS FUNDING CORPORATION	P97000083682	INACT
ACCESS FUND MANAGEMENT, LLC	L02000035126	Active
ACCESS FUND PARTNERS, LLC	M12000004597	Active
ACCESS GALLERY INC.	K88501	INACT
ACCESS GARAGE DOOR, INC.	P02000127620	INACT
ACCESS GARAGE DOORS, L.L.C.	L07000069172	Active
ACCESS GARAGE DOOR SERVICE OF SARASOTA COUNTY LLC	L14000138836	NAME HS
ACCESSGARD, INC.	P01000040150	Active
ACCESSGARD, INC.	P06000025089	INACT
ACCESSGATE.NET, INC.	P05000033428	Active
ACCESS GAYLE, LLC	L10000016568	INACT
ACCESS GENERAL AGENCY OF FLORIDA, LLC	L13000137224	Active
ACCESS GENERAL AGENCY OF FLORIDA, INC.	P02000058508	INACT/CV
ACCESS GENERAL CONTRACTOR LLC	L14000053795	INACT/JA
ACCESS GENERAL INSURANCE AGENCY OF FLORIDA, INC.	P00000081787	INACT
ACCESS GENETICS, LLC	M09000004413	Active
ACCESS GLASS & CONSTRUCTION LLC	L07000123230	Active

[Previous List](#)[Next List](#)

Entity Name Search

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

Case Cost Sheet Log

Case No. 15-1438

Name	Activity	Activity_Date	Status	Cost
Paul Dematteo	Notice of Violation/Notice of Hearing	11/03/2015	Hand Delivered	\$0.00
Paul Dematteo	Mailing Finding of Fact/Conclusion of Law & Order to 1429 Richel Dr.,Port Orange, FL 32129	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1438

To: Paul Dematteo
1429 Richel Dr
Port Orange, FL 32129

Re: 1429 Richel Dr
Port Orange, FL 32129
Parcel ID: 6306-16-00-0440

LEGAL DESCRIPTION: LOT 44 SUNRISE OAKS PUD PHASE II MB 48 PG 18 PER OR 4798 PG 0912 PER OR 5370
PG 2688 PER OR 6519 PG 4063

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 6, 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 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.13 Window, Skylight and door frames.

An inspection of the property was conducted on August 17, 2015. Upon inspection, I observed two broken windows on the front of the home. Upon re-inspection on October 5, 2015 the condition was the same. To correct the violations, the broken windows need to be repaired.

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

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

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

At the event the **Special Magistrate**, during the hearing on **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 3rd day of November, 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 Paul Dematteo, 1429 Richel Dr, Port Orange, FL 32129, was

☒ Hand-delivered - Victoria Battista
☐ Posted at the property

this 3rd day of November, 2015.

Time: approx. 2:00 pm

J. Scott Allman
J. Scott Allman

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Paul Dematteo, 1429 Richel Dr, Port Orange, FL 32129, was

- ☐ Posted at City Hall
- ☐ Sent via certified

this _____ day of _____, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6306-16-00-0440 **2016 Working Tax Roll** Last Updated: 11-01-2015

Owner Name and Address

Alternate Key	5975312	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-16-00-0440	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-16-00-0440	2015 Final Mill Rate	20.86510
Created Date	15 DEC 2000		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	DEMATTEO PAUL		
Owner Name/Address 1			
Owner Address 2	1429 RICHEL DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1429 RICHEL DR PORT ORANGE 32129		

Legal Description
 LOT 44 SUNRISE OAKS PUD PHASE II MB 48 PG 18 PER OR 4798 PG 0912 PER OR 5370 PG 2688 PER OR 6519 PG 4063

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6519 4063	09/2010	Warranty Deed	Qualified Sale	Yes	156,600
5370 2688	07/2004	Warranty Deed	Qualified Sale	Yes	213,000
4798 0912	12/2001	Warranty Deed	Qualified Sale	Yes	167,097
4737 3453	08/2001	Warranty Deed	Multi parcel sale	Yes	1

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
2015	27,250	138,701	0	165,951	165,951	161,687	0	165,951	0	161,687
2014	27,250	119,738	0	146,988	146,988	146,988	0	146,988	0	146,988

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	101.0	130.0	101.00	FRONT FEET	285.00	95	100	100	100	27,250
Neighborhood 5910 SUNRISE OAKS PUD PH 1 MB 44 PG											
Total Land Classified											0
Total Land Just											27,250

Building Characteristics

Building Number: 181057 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
181057	Single Family	212	2001	375		4%	0%	0%	2999
Roof Type	HIP	Floors		Carpet	Bedrooms	4	4 Fixture Bath		1
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	1	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	C B STUCCO	1.0	2001	N	0%	0%	2131 Sq. Feet	
002	Patio (PTO)	Non-Applicable	1.0	2001	N	0%	0%	24 Sq. Feet	
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	2001	N	0%	0%	32 Sq. Feet	
004	Finished Garage (FGR)	Non-Applicable	1.0	2001	N	0%	0%	456 Sq. Feet	

Prepared by and return to:

James G. Hahl

Van Houten, Ponder & Hahl, P.A.

114 South Palmetto Avenue

Daytona Beach, FL 32114

File Number: H0560-1

Parcel Identification No. 6306-16-00-0440

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 23rd day of September, 2010 between Gerald A. Fusillo and Michelle L. Fusillo whose post office address is 1429 Richel Drive, Port Orange, FL 32129, grantor, and Paul DeMatteo whose post office address is 1429 Richel Drive, Port Orange, FL 32129, grantee:

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

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

Lot 44, Sunrise Oaks, Phase II, according to the plat thereof as recorded in Plat Book 48, Page(s) 18, Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, easements, and reservations of record, if any, the mention of which shall not be deemed to reimpose the same; taxes for the year 2010 and subsequent years.

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, 2009**.

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

Signed, sealed and delivered in our presence:

Witness Name: Jean Howerton

Witness Name: Robin C. Schmidt

Gerald A. Fusillo

Michelle L. Fusillo

State of Florida
County of Volusia

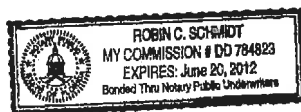
The foregoing instrument was acknowledged before me this 23rd day of September, 2010 by Gerald A. Fusillo and Michelle L. Fusillo, who ☐ are personally known or ☒ have produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 305 INTERIOR STRUCTURE

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 1438

Paul Dematteo,

Respondent,

Property Address: 1429 Richel Dr
Port Orange, FL 32129
Parcel ID: 6306-16-00-0440

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 1429 Richel Dr, Port Orange, Florida 32129, is owned by Paul Dematteo.
4. That 1429 Richel Dr, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 1429 Richel Dr, Port Orange, Florida 32129, at 2:00 p.m. on the 3rd day of November,

2015, to Victoria Battista, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 4th day of November, 2015.

J. Scott Allman

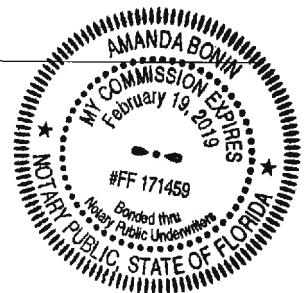
J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 4th day of
November, 2015, by J. Scott Allman, who is personally known to
me.

Amanda Bonin
Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 15-1732

Name	Activity	Activity_Date	Status	Cost
MCM Capital Partners LLC TR %Aldridge Connors LLP	Mailing Notice of Violation/Notice of Hearing to 1615 S. Congress Ave., Suite 200, Delreay Beach, FL 33445	11/04/2015	Certified Green Card Signed on 11/9/15 and Returned to City Clerk's Office.	\$6.95
MCM Capital Partners LLC TR %Aldridge Connors LLP	Mailing Finding of Fact/Conclusion of Law & Order to 1615 S. Congress Ave., Suite 200, Delreay Beach, FL 33445	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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. 15-1732

To: MCM Capital Partners LLC TR
% Aldridge Connors LLP
1615 S. Congress Ave STE 200
Delray Beach, FL 33445

Re: 105 Kent Ct
Port Orange, FL 32127
Parcel ID: 6321-01-02-0100

LEGAL DESCRIPTION: LOT 10 CAMBRIDGE SUB UNIT 2 MB 33 PG 97 PER OR 3771 PG 4155 PER D/C 5757 PG
4878 PER OR 7162 PG 0415

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 6, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

An inspection of the property was conducted on October 6, 2015. Upon inspection, I observed the property being very overgrown. Upon re-inspection on October 26, 2015 the condition was the same. To correct the violations, the entire property needs to be mowed and all high weeds trimmed.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **November 25, 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 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 **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 **December 9, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5641.

DATED this 3rd day of November, 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 MCM Capital Partners LLC TR % Aldridge Connors LLP, 105 Kent Ct, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 11:45 am

this 3rd day of November, 2015.

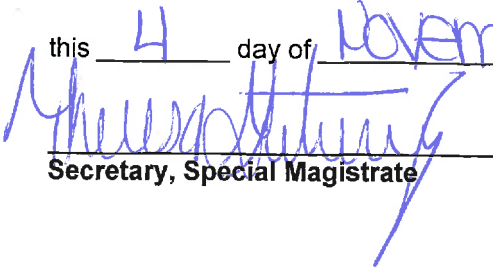
J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to MCM Capital Partners LLC TR % Aldridge Connors LLP, 1615 S. Congress Ave STE 200, Delray Beach, FL 33445, was

☐ Posted at City Hall

☐ Sent via certified

this 4 day of November, 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](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6321-01-02-0100 **2016 Working Tax Roll** Last Updated: 11-01-2015

Owner Name and Address

Alternate Key	3656296	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6321-01-02-0100	Mill Group	402 Port Orange
Full Parcel ID	21-16-33-01-02-0100	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Trust	Ownership Percent	100
Owner Name	MCM CAPITAL PARTNERS LLC TR		
Owner Name/Address 1	% ALDRIDGE CONNORS LLP		
Owner Address 2	1615 S CONGRESS AVE STE 200		
Owner Address 3	DELRAY BEACH FL		
Owner Zip/Postal Code	33445		
Situs Address	105 KENT CT PORT ORANGE 32127		

Legal Description

LOT 10 CAMBRIDGE SUB UNIT 2 MB 33 PG 97 PER OR 3771 PG 4155 PER D/C 5757 PG 4878 PER OR 7162 PG 0415

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7162 0415	09/2015	Certificate of Title	Government acquisition	Yes	80,100
6788 2213	07/2010	Death Certificate	Unqualified Sale	Yes	100
3771 4155	09/1992	Warranty Deed	Qualified Sale	Yes	75,000
2130 0248	12/1979	Warranty Deed	Qualified Sale	Yes	52,800
2073 0631	05/1979	Warranty Deed	Qualified Sale	Yes	48,500
1828 0820	03/1976	Warranty Deed	Qualified Sale	Yes	42,000

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
2015	15,600	118,523	2,892	137,015	137,015	118,282	0	137,015	0	118,282
2014	15,600	105,640	2,570	123,810	123,810	107,529	0	123,810	0	107,529

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	0.0	0.0	1.00	LOT	15600.00	100	100	100	100	15,600
Neighborhood 5708 CAMBRIDGE SUB UNIT 1,											
Total Land Classified											0
Total Land Just											15,600

Building Characteristics

Building Number: 117920 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
117920	Single Family	202	1975	300		27%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	4	4 Fixture Bath			0
Roof Cover	ASPHALT SHINGL	Wall Type	Plaster	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Concrete Slab	Year Remodeled		Fireplaces	0	A/C			Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1975	N	0%	0%	1737 Sq. Feet
002	Finished Garage (FGR)	Non-Applicable	1.0	1975	N	0%	0%	510 Sq. Feet
003	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1982	N	0%	0%	60 Sq. Feet
004	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1982	N	0%	0%	24 Sq. Feet
005	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1982	N	0%	0%	576 Sq. Feet
007	Porch, Screened Finished (FSP)	Non-Applicable	1.0	1997	N	0%	0%	42 Sq. Feet

**In The Circuit Court, Seventh Judicial Circuit
In And For Volusia County, Florida**

BANK OF AMERICA NA SUCCESSOR BY MERGER TO BAC HOME
LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS
SERVICING, LP

Plaintiff(s)

VS.

UNKNOWN HEIRS, BENEFICIARIES, ETC, AGAINST THE ESTATE OF
CHARLES H JOHNSON, DECEASED, ETC, ET AL
Defendant(s)

Case No. 2012 32186 CICI
Div.

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that a Certificate of Sale has been filed in this action and on the 10th day of September, 2015 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections. The following property in Volusia County, Florida:

- SEE ATTACHMENT -

was sold to and the Certificate of Title is hereby issued to:

VENTURES TRUST 2013-I-H-R BY MCM CAPITAL PARTNERS, LLC, ITS TRUSTEE

whose address is: C/O ALDRIDGE CONNORS, LLP, 1615 South Congress Avenue, Suite 200 Delray Beach, FL, 33445

Witness my hand and seal on 10th day of September, 2015 in Volusia County, Florida.



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

By:

Deputy Clerk

/s/ Jennifer Vazquez

Sale Amt. \$80,100.00 D/S \$560.70 Parcel ID # 21-16-33-01-02-0100

FILED
SEP 10 2015
CLERK OF THE CIRCUIT
& DISTRICT COURT
VOLUSIA COUNTY, FL
CC 64

**LOT 10, CAMBRIDGE SUBDIVISION, UNIT II, ACCORDING TO THE MAP
OR PLAT THEREOF, AS RECORDED IN MAP BOOK 33, PAGE 97, OF THE
PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.**

Property Address: 105 KENT COURT, PORT ORANGE, FLORIDA 32127

Instrument# 2015-170357 # 2
Book : 7162
Page : 416
Diane M. Matousek
Volusia County, Clerk of Court

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS[Home](#)[Contact Us](#)[E-Filing Services](#)[Document Searches](#)[Forms](#)[Help](#)[Previous List](#)[Next List](#)

Entity Name Search

Entity Name List

Corporate Name	Document Number	Status
MCM CARGO, INC.	P01000019840	INACT
MCM CARGO EXPRESS INC.	P08000013661	INACT
MCM CARPENTRY, INC.	P10000095000	Active
M.C.M. CARRIERS CORPORATION	P94000029651	INACT
MCMC ART FURNTIURE, LLC	L15000073668	Active
MC MCARTY-HART, INC.	P99000007393	INACT
MCM CASHFLOW LLC	L13000082834	INACT
MCMC CONSULTING, LLC	L06000078434	INACT
MC & MC CONTRACTORS CORP	P15000016413	Active
MCMC ENTERPRISES, INC	P06000124890	INACT
M.C MC FERRIN CO.LLC	L12000045023	Active
MC & MC FREIGHT LINE, INC.	P96000084645	INACT
MCM CHAUFFEUR INC.	P10000083457	INACT
MCMC HOLDINGS, INC.	P97000020222	INACT
MCMC HOMECARE, INC.	K38412	INACT
MCMC INDEPENDENT EXAMS, LLC	M07000007393	Active
MCM CINE USA, INC.	P02000053580	INACT
M.C. MCLAIN SERVICES INCORPORATED	P95000052587	INACT
MCM CLEANING SERVICE INC	P10000038515	Active
MCM CLEANING SERVICES INC.	P00000008482	INACT

[Previous List](#)[Next List](#)

Entity Name Search

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

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

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

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

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

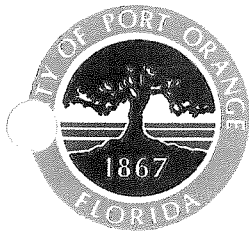
- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

Case Cost Sheet Log

Case No. 15-1353

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	12/09/2015		\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$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.



[Home](#) | [Search](#) | [Downloads](#) | [Exemptions](#) | [Agriculture](#) | [Maps](#) | [Tangible](#) | [Links](#) | [Contact](#)

[Home](#) | [Search Choices](#) | [Search By Alternate Key](#) | [Property Information](#)

[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
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

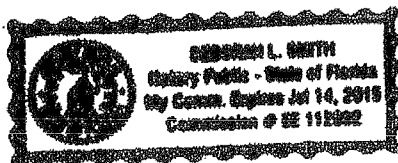
Printed Name: Beneva V. Young

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

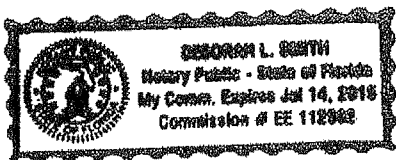
My Commission expires: 7-14-2015

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.

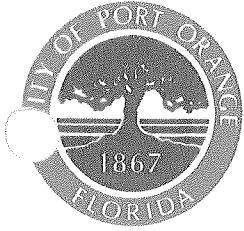
(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

Case Cost Sheet Log

Case No. 15-070

Name	Activity	Activity_Date	Status	Cost
Corine Mackey	Mailing Notice of Violation/Notice of Hearing to 5420 Landis Avenue, Port Orange, FL 32127	09/09/2015	Certified Mail Returned to City Clerk's Office Marked "Unclaimed/Unable to Forward".	\$6.95
Corine Mackey	Mailing Finding of Fact/Conclusion of Law & Order to 5420 Landis Avenue, Port Orange, FL 32127	10/28/2015	We attempted to deliver your item at 2:16 pm on November 4, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by November 19, 2015 then it will be returned to sender.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015	BK: 7180 PG: 4522	\$27.00
Corine Mackey	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5420 Landis Avenue, Port Orange, FL 32127	12/09/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	12/09/2015		\$44.00

Total: \$85.64



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-070

To:
CORINE M. MACKEY, Deceased, AND ANY AND
ALL UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER OR AGAINST THE HEREIN NAMED
INDIVIDUAL DEFENDANTS WHO ARE NOT KNOWN
TO BE DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS SPOUSES,
HEIR..DEVISEES, GRANT.EES.OR OTHER.CLAIMANTS,
KIMBERLY STACY,

Re: 5420 Landis Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-20-0090
LEGAL DESCRIPTION: LOTS 9 & 10 BLK 20 ALLANDALE

Polusia County Public Records
Polusia County, FL

An inspection of the premises on January 22, 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) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc.: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

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

Upon my original inspection I observed the following violations; the lawn is overgrown, there is a multitude of stored items and junk on the front porch and screen porch area, and the roof has a blue tarp due to roof leaks. I have spoken to the owner's daughter several times about the blue tarp and the tarp remains. A 14 day door hanger was given for compliance. be in compliance, the entire property needs to be mowed and weed-eated, all outside storage and junk needs to be removed or properly stored in an enclosed building, the tarp needs to be removed, and the roof needs to be repaired.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **September 22, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 28, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.95 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

On the event the **Special Magistrate**, during the hearing on **October 28, 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, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Corine Mackey 5420 Landis Avenue, Port Orange, FL 32127, was
☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 12:45 pm.

this 8th day of September, 2015.

J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Corine Mackey 5420 Landis Avenue, Port Orange, FL 32127, was
☒ Posted at City Hall
☒ Sent via certified

this 9 day of September, 2015.
[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

36374
WARRANTY DEED
STATUTORY

1246 00657

The instrument was prepared by:
Name of person & address

J. Edgar Coble
1754 South Beach Street
Daytona Beach, Florida 32014

Seal and
Address, signature and
Clark's File on back.

This instrument, Made this 30th day of November A.D. 1970
between PERCY BROADHURST and EDITH A. BROADHURST, his wife,

of the County of Volusia, in the State of Florida
parties of the first part, and

WILLIAM G. MACKAY and CORINE MONTMACKAY, his wife,

whose permanent address is 5420 Landis Avenue Port Orange
of the County of Volusia in the State of Florida
parties of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of

TEN AND NO/10 Dollars
and other good and valuable considerations to them in hand paid by said parties
of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and
sold to the said parties of the second part, their heirs and assigns forever, the following
described land, situate, lying and being in the County of Volusia, State of Florida, to-wit:

Lots Nine (9) and Ten (10) Block Twenty (20)
Ailandale, as per Map Book 4, page 146, of
the Public Records of Volusia County, Florida

Subject to taxes for the year 1970 and
subsequent years.

Subject to Easements and Restrictions as per
Deed recorded in Official Records Book 913, Page 47.

And the said parties of the first part do hereby fully warrant the title to said land,
and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said parties of the first part, hereunto
set their hands and seals the day and year first above written.

Signed, sealed and delivered in my presence
J. Edgar Coble
Therese P. Fisher

Percy Broadhurst
Edith A. Broadhurst
Seal
Seal
Seal
Seal

Then delivered to
JESS MATHIAS
Black & White Court,
P.O. Box 11144, Fort da

1246 658

Recording fee
State Stamp
Notary Stamp
TOTAL

Return to

CLEAR'S FILE MARK

FILED FOR RECORD
RECORD VERIFIED
BOOK PAGE 657

DECEMBER 3 AM 10 05

[Signature]

36971



1246 657

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

PERCY BROOKHURST and EDITH A. BROOKHURST, his wife.

to me known to be the persons described in and who executed the foregoing instrument and they acknowledge before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid the 30 day of November, A.D. 1988.

Notary Public

My commission expires

36971



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

Home Search Choices Search By Location Address Property Information

Notice of Proposed Taxes

Estimate of Taxes

Parcel Information: 6310-07-20-0090 2015 Preliminary Tax Roll Last Updated: 08-30-2015

Owner Name and Address

Alternate Key	3609581	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-20-0090	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-20-0090	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate	Ownership Percent	100
Owner Name	MACKEY CORINE		
Owner Name/Address 1			
Owner Address 2	5420 LANDIS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127-552		
Situs Address	5420 LANDIS AV PORT ORANGE 32127		

Legal Description

LOTS 9 & 10 BLK 20 ALLANDALE

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
1246 0657	12/1970	Warranty Deed	Qualified Sale	No	5,000

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	17,490	19,186	1,231	37,907	35,058	35,058	25,500	9,558	0	9,558
2013	14,850	18,797	1,263	34,910	34,540	34,540	25,500	9,040	0	9,040
2012	14,850	17,930	1,183	33,963	33,963	33,963	25,500	8,463	0	8,463
2011	15,510	17,930	1,246	34,686	34,686	34,686	25,500	9,186	0	9,186
2010	15,510	30,201	1,362	47,073	47,073	47,073	25,500	21,573	0	21,573
2009	17,160	33,337	1,600	52,097	47,193	47,193	25,500	21,693	0	21,693
2008	29,040	33,337	1,669	64,046	47,146	47,146	25,500	21,646	0	21,646
2007	41,250	28,988	1,666	69,904	45,773	45,773	25,500	20,273	0	20,273
2006	41,250	31,979	1,315	74,544	44,657	44,657	25,500	19,157	0	19,157
2005	29,700	28,512	1,308	59,520	43,356	43,356	25,500	17,856	0	17,856
2004	20,460	31,913	926	53,299	42,093	42,093	25,500	16,593	0	16,593
2003	15,510	27,801	847	44,158	41,308	41,308	25,500	15,808	0	15,808
2002	12,144	27,306	890	40,340	40,340	40,340	25,500	14,840	0	14,840
2001	12,144	27,592	920	40,656	39,887	39,887	25,500	14,387	0	14,387
2000	15,180	25,850	950	41,980	38,726	38,726	25,500	13,226	0	13,226
1999	12,144	24,951	979	38,074	37,708	37,708	25,000	12,708	0	12,708
1998	12,144	24,534	1,046	37,724	37,115	37,115	25,000	12,115	0	12,115
1997	12,144	23,747	859	36,750	36,495	36,495	25,000	11,495	0	11,495
1996	11,840	23,338	870	36,048	35,433	35,433	25,000	10,433	0	10,433
1995	11,840	22,759	880	35,479	34,569	34,569	25,000	9,569	0	9,569
1994	10,626	22,145	890	33,661	33,661	33,661	25,000	8,661	0	8,661
1993	10,626	22,065	900	33,591	33,591	33,591	25,000	8,591	0	8,591
1992	10,626	21,396	910	32,932	32,932	32,932	25,000	7,932	0	7,932
1991	11,220	21,396	920	33,536	33,536	33,536	25,000	8,536	0	8,536
1990	11,220	21,396	930	33,546	33,546	33,546	25,000	8,546	0	8,546
1989	11,220	21,037	940	33,197	33,197	33,197	25,000	8,197	0	8,197
1988	8,250	20,487	951	29,688	29,688	29,688	25,000	4,688	0	4,688
1987	7,260	21,176	960	29,396	29,396	29,396	25,000	4,396	0	4,396
1986	7,260	20,364	971	28,595	28,595	28,595	25,000	3,595	0	3,595
1985	7,260	19,596	980	27,836	27,836	27,836	25,000	2,836	0	2,836
1984	7,260	19,116	991	27,367	27,367	27,367	25,000	2,367	0	2,367

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

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

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

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

304.7 Roofs and drainage.

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-070**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Corine M. Mackey
5420 Landis Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 28, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Corine M. Mackey, whose mailing address is 5420 Landis Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5420 Landis Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 9 & 10 BLK 20 ALLANDALE

B. The condition was first observed at the real property described above on January 22, 2015; re-inspections made on September 30, 2015 and October 26, 2015 confirmed the condition as being the same. Respondent(s), Corine M. Mackey, received notice via certified mail and posted at City Hall on September 9, 2015. Additionally, the notice was posted on the property on September 8, 2015. The aforesaid conditions constituted a violation of the 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, and was to be corrected by September 22, 2015.

C. At the time of the hearing on October 28, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Corine M. Mackey, by reason of the foregoing, has/have violated Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) 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, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, stored items and junk on the front porch, and the blue tarp on the roof due to a roof leak, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property, removing all outside storage and junk, removing the blue tarp, and fixing the roof for repair on or before November 9, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by November 9, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Abatement shall include mowing the lawn and removing the blue tarp and any and all bricks that are not securely fixed to the roof. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this Order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 28 day of October, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

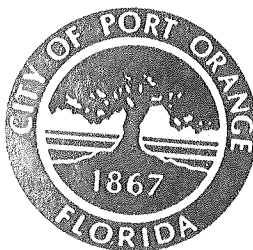
By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Corine M. Mackey, 5420 Landis Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 2 day of November, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

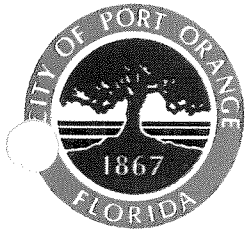
This 12 day of November, 2015.
By: [Signature]

Case Cost Sheet Log

Case No. 15-1520

Name	Activity	Activity_Date	Status	Cost
Geraldine L. Price	Mailing Notice of Violation/Notice of Hearing to 5361 Landis Avenue, Port Orange, FL 32127	09/25/2015	NO Certified Mail Returned to City Clerk's Office	\$6.95
Geraldine L. Price	Mailing Finding of Fact/Conclusion of Law & Order to 5361 Landis Avenue, Port Orange, FL 32127	10/28/2015	We attempted to deliver your item at 2:44 pm on November 7, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available. You may arrange redelivery by using the Schedule a Redelivery feature on this page or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by November 22, 2015 then it will be returned to sender.	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015	BK: 7190 PG: 4519	\$27.00
Geraldine L. Price	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	12/09/2015		\$0.48
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	12/09/2015		\$44.00

Total: \$85.64



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1520

To:
Geraldine L. Price
5361 Landis Ave.
Port Orange, FL 32127

Re: 5361 Landis Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-24-0130

LEGAL DESCRIPTION: LOTS 13 & 14 BLK 24 ALLANDALE MB 4 PG 146 INCLUDING 2006 FWHI MOBILE HOME ID #FLFL570A32480CY21 & #FLFL570B32480CY21 PER OR 2902 PG 1731 PER OR 5615 PG 3490 PER OR 6567 PGS 1702-1703 PER UNREC D/C PER OR 7050 PG 0193 PER OR 7050 PG 0247

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally-Duty of owner (d)(f)(h). The entire residential property needs to be mowed and maintained in addition to that part of the City right of way adjacent to this property. Any trash or type of debris shall be removed.

I observed this yard as being overgrown and not maintained on August 31, 2015. The mobile home is vacant and I had a number from a previous case to call to have it mowed. I called and left a message to please have the yard mowed within 5 days. A reinspection on September 10, 2015, revealed the yard as overgrown. I placed another call and left a message with the daughter of the homeowner who stated she will contact the property owner to have it mowed. An inspection on September 22, 2015, revealed the property as still being overgrown.

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 28, 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 **October 28, 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) 506-5644.

DATED this 24th day of September, 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 Geraldine L. Price, 5361 Landis Ave., Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:20 pm

this 24th day of September, 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 Geraldine L. Price, 5361 Landis Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 25 day of September, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6310-07-24-0130 2015 Preliminary Tax Roll Last Updated: 09-20-2015

Owner Name and Address

Alternate Key	3610024	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-24-0130	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-24-0130	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate		
Owner Name	PRICE GERALDINE L	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	5361 LANDIS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	5361 LANDIS AV PORT ORANGE 32127		

Legal Description

LOTS 13 & 14 BLK 24 ALLANDALE MB 4 PG 146 INCLUDING 2006 FWHI MOBILE HOME ID #FLFL570A32480CY21 & #FLFL570B32480CY21 PER OR 2902 PG 1731 PER OR 5615 PG 3490 PER OR 6567 PGS 1702-1703 PER UNREC D/C PER OR 7050 PG 0193 PER OR 7050 PG 0247

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6567 1702	02/2011	Warranty Deed	Qualified Sale	Yes	65,000
5615 3490	07/2005	Warranty Deed	Qualified Sale	Yes	45,000
4869 3817	05/2002	Quit Claim Deed	Unqualified Sale	Yes	10
2902 1731	11/1986	Quit Claim Deed	Affiliated Parties	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	17,490	56,197	0	73,687	69,570	69,570	25,500	44,070	19,570	24,500
2013	14,850	55,071	0	69,921	68,542	68,542	25,000	43,542	18,542	25,000

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	66.0	100.0	66.00	FRONT FEET	265.00	100	100	100	100	17,490
Neighborhood 5775 ALLANDALE/COMMONWEALTH											
Total Land Classified											0
Total Land Just											17,490

Building Characteristics

Building Number: 198832 (Building 1 of 1)

02/24/2011 12:14 PM
Doc stamps 455.00
(Transfer Amt \$ 65000)
Instrument# 2011-031317 # 1
Book : 6567
Page : 1702

Prepared by
Judith Carter, an employee of
First American Title Insurance Company
710 Third Avenue, Suites 1 & 2
New Smyrna Beach, Florida 32169
(877)833-1752

Return to: Grantee
File No.: 1018-2476895

Return Original Document to:
FIRST AMERICAN TITLE
WARRENVILLE POST CLOSING
27775 Diehl Rd.
Warrenville, IL 60555

WARRANTY DEED

This indenture made on **February 18, 2011 A.D.**, by

Imogene C. Woods, a single woman

whose address is: **2109 S. Atlantic Ave., New Smyrna Beach, FL 32169**
hereinafter called the "grantor", to

Herbert R. Price and Geraldine L. Price, husband and wife

whose address is: **5361 Landis Avenue, Port Orange, FL 32127-5594**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia County, Florida**, to-wit:

Lots 13 and 14, Block 24, MAP OF ALLANDALE, according to the plat thereof, recorded in Map Book 4, Page 146, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **10-16-33-07-24-0130**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

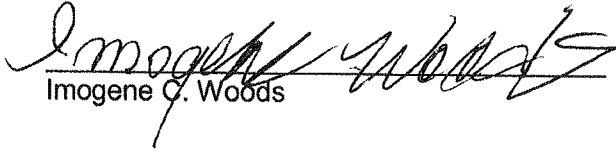
Together with a 2006 FWHI Mobile Home, I.D. # FLFL570A32480CY21 & FLF [REDACTED] Y21, as part of the real property herein conveyed.

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

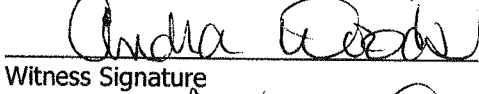
To Have and to Hold, the same in fee simple forever.

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 31st of 2007.

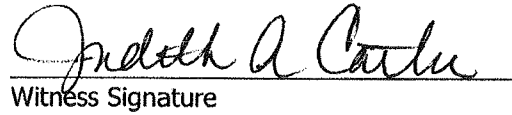
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Imogene C. Woods

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: Andrea Woods

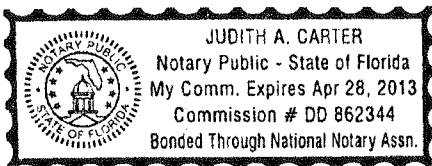

Witness Signature

Print Name: JUDITH A. CARTER

State of **Florida**

County of **Volusia**

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me on **February 18, 2011**, by **Imogene C. Woods, a single woman** who is/are personally known to me or has/have produced a valid driver's license as identification.




NOTARY PUBLIC

JUDITH A. CARTER

Notary Print Name
My Commission Expires: 4-28-13

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g)

No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" 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 package, 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
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1520**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Geraldine L. Price
5361 Landis Avenue
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

_____ /

**FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 28, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Geraldine L. Price, whose mailing address is 5361 Landis Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5361 Landis Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 13 & 14 BLK 24 ALLANDALE MB 4 PG 146 INCLUDING 2006 FWHI MOBILE HOME ID #FLFL570A32480CY21 & #FLFL570B32480CY21 PER OR 2902 PG 1731 PER OR 5615 PG 3490 PER OR 6567 PGS [REDACTED] PER UNREC D/C PER OR 7050 PG 0193 PER OR 7050 PG 0247

B. The condition was first observed at the real property described above on August 31, 2015; re-inspections made on October 6, 2015 and October 26, 2015 confirmed the condition as being the same. Respondent(s), Geraldine L. Price, received notice via certified mail and posted at City Hall on September 25, 2015. Additionally, the notice was posted on the property on September 24, 2015. The aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (d)(f)(h), and was to be corrected by October 5, 2015.

C. At the time of the hearing on October 28, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Geraldine L. Price, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (d)(f)(h), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn and yard debris, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by this mowing and maintaining the entire property and removing any trash or type of debris on or before November 6, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by November 6, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this Order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 28 day of October, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

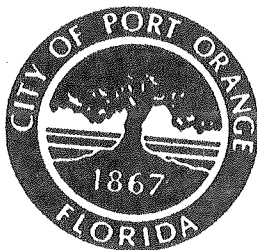
By: [Signature]
Code Enforcement Special Magistrate

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

[Signature: Deborah Faircloth]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Geraldine L. Price, 5361 Landis Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 2 day of November, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 22 day of November, 2015.

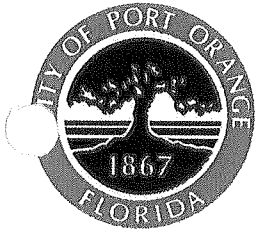
By: [Signature: Bob Henrich]

Case Cost Sheet Log

Case No. 15-1490

Name	Activity	Activity_Date	Status	Cost
Sara Surrusco	Mailing Notice of Violation/Notice of Hearing to 866 Chickadee Drive, Port Orange, FL 32127	09/28/2015	Certified Mail Returned to City Clerk's Office marked "Return to Sender/Not Deliverable As Addressed".	\$6.73
Marshall Kevyn	Mailing Notice of Violation/Notice of Hearing to 866 Chickadee Drive, Port Orange, FL 32127	09/28/2015	Certified Mail Returned to City Clerk's Office marked "Return to Sender/Not Deliverable As Addressed".	\$6.73
Sara Surrusco	Mailing Finding of Fact/Conlusion of Law & Order to 866 Chickadee Drive, Port Orange, FL 32127	10/28/2015	Certified Mail Returned to City Clerk's Office marked "Return to Sender/Not Deliverable As Addressed".	\$7.21
Marshall Kevyn	Mailing Finding of Fact/Conlusion of Law & Order to 866 Chickadee Drive, Port Orange, FL 32127	10/28/2015	Certified Mail Returned to City Clerk's Office marked "Return to Sender/Not Deliverable As Addressed".	\$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	10/28/2015	BK: 7180 PG: 4525	\$27.00
Sara Surrusco	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 866 Chickadee Drive, Port Orange, FL 32127	12/09/2015		\$0.48
Marshall Kevyn	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 866 Chickadee Drive, Port Orange, FL 32127	12/09/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	12/09/2015		\$44.00

Total: \$99.84



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1490

To:
Marshall Kevyn &
Sarah Surrusco JTRS
866 Chickadee Drive
Port Orange, FL 32127

Re: 866 Chickadee Drive
Port Orange, FL 32127
Parcel ID: 6317-07-00-0350

LEGAL DESCRIPTION: LOT 35 CYPRESS COVE PHASE III MB 36 PGS 87-88 INC PER OR 2791 PG 0898 PER OR
6033 PG 1391

Volusia County Public Records
Volusia County, FL

Inspection of the premises on August 26, 2105, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten (10) inches.

This property is vacant and in foreclosure. I contacted safeguard who notifies that there is a pending bankruptcy and that caused them to stop servicing the property in July. To be in compliance the entire property needs to be mowed and weed-eated.

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 8, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 28, 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 **October 28, 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 23rd day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Marshall Kevyn & Sarah Surrusco JTRS 866 Chickadee Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 23rd day of September, 2015.

me: approx. 3:20 pm

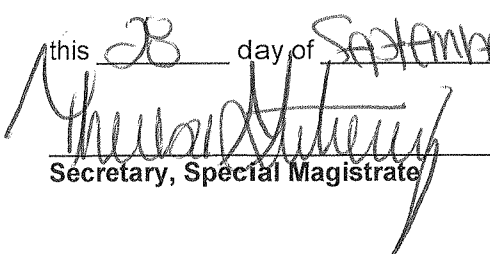
J. Scott Allman
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Marshall Kevyn & Sarah Surrusco JTRS 866 Chickadee Drive , Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 28 day of September, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6317-07-00-0350 2015 Preliminary Tax Roll Last Updated: 09-20-2015

Owner Name and Address

Alternate Key	3649061	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6317-07-00-0350	Mill Group	402 Port Orange
Full Parcel ID	17-16-33-07-00-0350	2014 Final Mill Rate	21.15960
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	MARSHALL KEVYN &		
Owner Name/Address 1	SARAH SURRUSCO JTRS		
Owner Address 2	866 CHICKADEE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32127		
Situs Address	866 CHICKADEE DR PORT ORANGE 32127		

Legal Description
 LOT 35 CYPRESS COVE PHASE III MB 36 PGS 87-88 INC PER OR 2791 PG 0898 PER OR 6033 PG 1391

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6033	1391	03/2007	Warranty Deed	Qualified Sale	Yes	216,000
2791	0898	02/1986	Warranty Deed	Qualified Sale	Yes	85,000
2504	0431	10/1983	Warranty Deed	Qualified Sale	Yes	73,400
2484	1265	07/1983	Warranty Deed	Qualified Sale	Yes	16,800
2444	0085	04/1983	Warranty Deed	Multi parcel 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	26,970	104,576	0	131,546	131,546	129,371	0	131,546	0	129,371
2013	26,970	90,640	0	117,610	117,610	117,610	0	117,610	0	117,610

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0140	IMP LKFRNT-3 <2 AC	93.0	125.0	93.00	FRONT FEET	320.00	100	100	100	100	29,760
Neighborhood 5752 CYPRESS COVE PHASE I, II & II											
Total Land Classified											0
Total Land Just											29,760

Building Characteristics
 Building Number: 117284 (Building 1 of 1)

03/29/2007 01:17 PM
Doc stamps 1512.00
(Transfer Amt \$ 216000)
Instrument# 2007-072969 # 1
Book: 6033
Page: 1391
Diane M. Matousek
Volusia County, Clerk of Court

This Warranty Deed

Made this 23rd day of March A.D. 2007
by **Dorothy VanEtten, an unremarried widow**

hereinafter called the grantor, to
**Kevyn Marshall, a single person Sarah Surrusco, a
single person as joint tenants with right of
survivorship and not as tenants in common**

whose post office address is:
**866 Chickadee Drive
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 35, CYPRESS COVE, PHASE III, according to the plat thereof recorded in Map Book
36, Pages 87 and 88, Public Records of Volusia County, Florida.**

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

Parcel Identification Number: 6317-07-00-0350

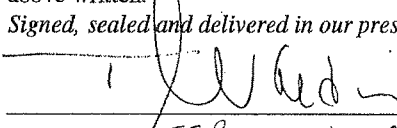
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining.

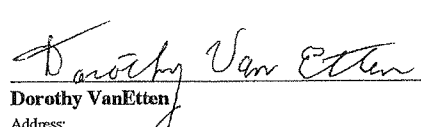
To Have and to Hold, the same in fee simple forever.

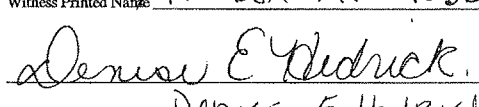
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land
in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all
persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to
December 31, 2006.

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

Signed, sealed and delivered in our presence:


Witness Printed Name TERESA A. VALDES


Dorothy VanEtten (Seal)
Address:

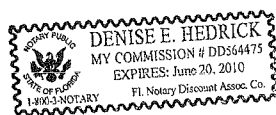

Witness Printed Name DENISE E. HEDRICK

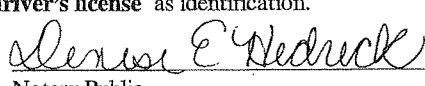
(Seal)
Address:

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

The foregoing instrument was acknowledged before me this **23rd** day of **March, 2007**, by

Dorothy VanEtten, an unremarried widow
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.: 07-0162

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)

E

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-1490

**MARSHALL KEVYN &
SARAH SURRUSCO JTRS,**
Respondent.

Property Address: 866 Chickadee Drive
Port Orange, FL 32127
Parcel ID: 6317-07-00-0350

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, 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 866 Chickadee Drive, Port Orange, Florida 32127, is owned by Marshall Kevyn & Sarah Surrusco JTRS.
4. That 866 Chickadee Drive, 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 866 Chickadee Drive, Port Orange, Florida 32127, at 3:20 a.m./p.m. on the 23rd day of September, 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.

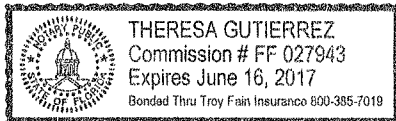
DATED this 28 day of September, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 28 day of September, 2015, by J. Scott Allman, who is personally known to me.



Theresa Gutierrez
Notary Public, State of Florida

Commission No. _____

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1490**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Kevyn Marshall & Sarah Surrusco JTRS
866 Chickadee Drive
Port Orange, FL 32127
6317 [REDACTED]

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER
(THIS DOES NOT CONSTITUTE A LIEN)

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 28, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Kevyn Marshall & Sarah Surrusco JTRS, whose mailing address is 866 Chickadee Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 866 Chickadee Drive, Port Orange, FL 32127, and more particularly described as:

LOT 35 CYPRESS COVE PHASE III MB 36 PGS 87-88 INC PER OR 2791 PG 0898 PER OR 6033 PG 1391

B. The condition was first observed at the real property described above on August 26, 2015; re-inspections made on October 14, 2015 and October 26, 2015 confirmed the condition as being the same. Respondent(s), Kevyn Marshall & Sarah Surrusco JTRS, received notice via certified mail and posting at City Hall on September 28, 2015. Additionally, the notice was posted on the property on September 23, 2015. The aforesaid conditions constituted a 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), and was to be corrected by October 8, 2015.

C. At the time of the hearing on October 28, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Kevyn Marshall & Sarah Surrusco JTRS, by reason of the foregoing, has/have violated 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), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by this mowing and maintaining the entire property on or before November 6, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by November 6, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.88 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this Order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 28 day of October, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

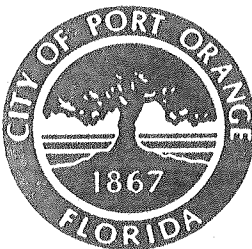
By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Kevyn Marshall & Sarah Surrusco JTRS, 866 Chickadee Drive, Port Orange, FL 32127 by Certified and Regular Mail this 2 day of November, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 2 day of November, 2015.
By: [Signature]