AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, March 9, 2016 **Time:** 9:00 AM

Type of Meeting: Regular **Location:** Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

2. Consideration of Minutes - February 24, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1353 (Continued from 2/10/16)
   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.

4. **CEB Case No.:** 15-1943
   Respondent: Baiba Garcia
   Address of Violation: 5953 Boggs Ford Road, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 02/05/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools.

5. **CEB Case No.:** 16-167
   Respondent: Linda Kennedy, Maureen Kennedy, and John Kennedy
   Address of Violation: 5204 Sydney Street, Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 02/08/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 304.11 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304-18 (Building Security) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

6. **CEB Case No.:** 15-1367
   Respondent: Country Manor Assisted Living & Retirement Home LLC
   Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 01/29/2016

Compliance: No

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

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.

7. **CEB Case No.:** 16-0160
   Respondent: Billy Gordon
   Address of Violation: 890 Chipmunk Tr., Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: February 9, 2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance 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 (Maintenance of property general y-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 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.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

Chapter 3 (General Requirements), Section 304 (Exterior Structure). 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage)of the 2015 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards)of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames)of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All 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.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

C. <u>ORDER IMPOSING FINE/LIEN</u>

8. **CEB Case No.:** 15-1809
   Respondent: Travis Houman LF EST and Susan Hawthorne LF EST
   101 Cambridge Drive
   Port Orange, FL 32127

   Lindsey Matthews
   191 Ledford Rd., Lot 6
   Cairo, GA 39828
   Address of Violation: 101 Cambridge Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 12/15/2015

Compliance: No

Cited for violation(s) - Chapter 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System.

Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 604.1 Electrical Facilities.

9. **CEB Case No.:** 15-1946
   Respondent: Judith A. Vitali EST
   Address of Violation: 1237 Mellisa Drive, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 12/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.

10. **CEB Case No.:** 15-1959
    Respondent: Basil Jaisingh, 153 Deskin Drive, Port Orange, FL 32129
    Address of Violation: 5160 Ridgewood Avenue, Port Orange, FL 32127
    Code Officer: Deborah Faircloth
    First Notified: 12/23/2015

Compliance: No

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

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (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.

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

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.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
FEBRUARY 24, 2016

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

PRESENT:	Raymond Branch, Special Magistrate
ALSO PRESENT:	Deborah Faircloth, Code Compliance Inspector Scott Allman, Code Compliance Inspector Dena Joseph, Code Compliance Inspector Chris Hutchison, Code Enforcement Supervisor Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the February 10, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspector Deborah Faircloth was sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1787
Respondent: Robert C & Joyce M. Cassata
Address of Violation: 204 N. Brighton Dr., Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 01/12/2016

Compliance: Yes

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

Ms. Faircloth requested the case be dismissed as it is in compliance. Special Magistrate Branch approved the request.

4. **CEB Case No.:** 16-0082
Respondent: Robert L. & Audrey L. Morgan
Address of Violation: 1460 Craig Court, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 01/29/2016

Compliance: Yes

Cited for violation(s) - Florida Building Code-Building, 5th Edition (2014), Section 105 (Permits), Section 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 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.

Ms. Faircloth requested the case be dismissed as it is in compliance. Special Magistrate Branch approved the request.

C. ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 15-1780
Respondent: Stacy L. Algieri
Address of Violation: 5245 Sydney St. Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 11/12/2015

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h) 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.

Ms. Faircloth advised the Respondent paid the cost in the cast and asked for a dismissal. Special Magistrate Branch approved the request.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:05 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-1353 (Continued from 2/10/16)

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	03/09/2016		$7.21
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/09/2016		$27.00

Total: $34.21

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1353

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

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

An inspection of the premises on August 4, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

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

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **October 5, 2015.**

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 14, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 14, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **December 9, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 8th day of September, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

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

X Hand-delivered: Akram Batniji.

☐ Posted at the property

this 8th day of September, 2015.

Time: approx. 12:17 p.m.

J. Scott Allman
J. Scott Allman

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

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

Owner Name and Address

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

Legal Description

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

Sales History

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

History of Values

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

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

Asset No. 10342001079

_____ space above this line for Recorder's use only

SPECIAL WARRANTY DEED

STATE OF FLORIDA §
§
COUNTY OF VOLUSIA §

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

By: _____
as Attorney in Fact

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

_____
(Witness Signature)

JOHN C. HARRIS
(Print Name of Witness)

_____
(Witness Signature)

STEPHEN E. LAIRD
(Print Name of Witness)

ACKNOWLEDGMENT

STATE OF Florida §
§
COUNTY OF Duval §

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

[Notary seal]

Kathryn F Swanson
Notary Public, State of Florida

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

EXHIBIT "A" to Special Warranty Deed

[Legal Description of the Property]

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

Parcel Id. 6337-31-00-0020

EXHIBIT "B" to Special Warranty Deed

[Specific Permitted Encumbrances]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LIMITED POWER OF ATTORNEY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

FEDERAL DEPOSIT INSURANCE CORPORATION

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

Signed in the presence of:

Witness: Gary Campbell
Printed Name: Gary Campbell

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

STATE OF FLORIDA }
}
COUNTY OF DUVAL }

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

[PLACE NOTARY SEAL BELOW HERE]

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

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

STATE OF FLORIDA }
}
COUNTY OF DUVAL }

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

[PLACE NOTARY SEAL BELOW HERE]

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

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

STATE OF FLORIDA
DUVAL COUNTY
I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit Court, Duval County, Florida, and the same is in full force and effect.
WITNESS my hand and seal of said Court at Jacksonville, Florida, this the 4th day of April, 2012

JIM FULLER
Clerk, Circuit Court, Duval County
By: Deputy Clerk

Section 3: - Fences and walls.

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

(b) *General provisions.*

(1) *Restrictions.*

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

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

(c) Temporary construction fencing.

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

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

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

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

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

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

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

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

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

(3) *Location.*

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

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

(4) *Design and maintenance.*

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

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

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

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

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

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

(5) *Exemptions.*

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

(b) Reserved.

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

Case Cost Sheet Log

Case No. 15-1943

Name	Activity	Activity_Date	Status	Cost
Baiba Garcia	Mailing of Notice of Violation and Notice of Hearings to 5953 Boggs Ford Road, Port Orange, FL 32127	02/05/2016	Green card signed on 2/8/16	$6.95
Baiba Garcia	Mailing of Finding of Fact, Conclusion of Law & Order to 5953 Boggs Ford Road, Port Orange, FL 32127	03/09/2016		$7.17
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	03/09/2016		$27.00

Total:

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1943

To: Baiba Garcia
5953 Boggs Ford Rd
Port Orange, FL 32127

Re: 5953 Boggs Ford Rd
Port Orange, FL 32127
Parcel ID: 6320-16-00-0920
LEGAL DESCRIPTION: LOT 92 SKYLAKE PH II MB 43 PGS 141-142 INC PER OR 5205 PG 0754 PER OR 5799 PGS 4495-4496 PER OR 5808 PGS 1746-1747 PER OR 5851 PG 1514 PER OR 7039 PG 1208
Volusia County, FL

An inspection of the premises on November 19, 2016 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 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools.

An inspection of the property was conducted on November 19, 2015. During the inspection, I observed a pool in the backyard with very dark green almost black water. I left a fifteen (15) day door hanger for the owner to clean the pool. I spoke to the owner's granddaughter (Jennifer) on November 23, 2015. Jennifer notifies that they started adding chemicals to the pool but will not be able to afford a new pool pump until after Christmas. Re-inspections were conducted on December 17, 2015, January 20, 2016 and February 3, 2016. All of the inspection revealed non-compliance. To correct the violation, the pool must be maintained in a clean and sanitary condition and in good repair.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **February 22, 2016.**

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 9, 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 **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 **March 9, 2016** 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 **April 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 5th day of February, 2016.

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 Baiba Garcia, 5953 Boggs Ford Rd, Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Time: approx. 4:05 pm.

this 5th day of February, 2016.

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 Baiba Garcia, 5953 Boggs Ford Rd, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 5 day of February, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6320-16-00-0920 **2016 Working Tax Roll** **Last Updated: 01-31-2016**

Owner Name and Address

Alternate Key	5231925	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6320-16-00-0920	**Mill Group**	402 Port Orange
Full Parcel ID	20-16-33-16-00-0920	**2015 Final Mill Rate**	20.86510
Created Date	14 FEB 1991		
Property Class	01 Single Family		
Ownership Type	Fee Simple	**Ownership Percent**	100
Owner Name	GARCIA BAIBA		
Owner Name/Address 1			
Owner Address 2	5953 BOGGS FORD RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5953 BOGGS FORD RD PORT ORANGE 32127		

Legal Description

LOT 92 SKYLAKE PH II MB 43 PGS 141-142 INC PER OR 5205 PG 0754 PER OR 5799 PGS 4495-4496 PER OR 5808 PGS 1746-1747 PER OR 5851 PG 1514 PER OR 7039 PG 1208

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7039	1208	09/2014	Quit Claim Deed	Unqualified Sale	Yes	100
5851	1514	06/2006	Warranty Deed	Qualified Sale	Yes	290,000
5808	1746	04/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5799	4495	03/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5205	754	11/2003	Warranty Deed	Unqualified Sale	Yes	100
4816	0320	01/2002	Quit Claim Deed	Unqualified Sale	Yes	10
4438	4835	04/1999	Quit Claim Deed	Affiliated Parties	Yes	1
4413	0381	03/1999	Quit Claim Deed	Affiliated Parties	Yes	1
4195	3125	04/1997	Warranty Deed	Qualified Sale	Yes	135,965

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	16,743	139,108	12,237	168,088	134,277	134,277	26,000	108,277	25,000	83,277
2014	14,796	119,264	9,847	143,907	133,211	133,211	26,000	107,211	25,000	82,211

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	80.0	184.0	80.00	FRONT FEET	215.00	108	90	100	100	16,743

Neighborhood 5668 SKYLAKE PHASE II 6320-16

Total Land Classified 0

Total Land Just 16,743

Building Characteristics

Building Number: 168200 **(Building 1 of 1)**

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
168200	Single Family	226	1997	325		10%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	1		
Roof Cover	ASPHALT SHINGL	**Wall Type**	Plaster	**X Fixture Bath**	1	**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**	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	1997	N	0%	0%	1934 Sq. Feet
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	1997	N	0%	0%	220 Sq. Feet

10/03/2014 10:39 AM
Doc stamps .70
(Transfer Amt $ 10)
Instrument# 2014-179000 # 1
Book: 7039
Page: 1208

Recording requested by: as per Divorce
When recorded, mail to:

Name: Baiba Zvirbulis Garcia

Address: 5953 Boggs Ford Road

City: Port Orange

State/Zip: Florida 32127

Space above reserved for use by Recorder's Office

Document prepared by:

Name Tonya Barrett

Address 2656 Van Buren Place

City/State/Zip Los Angeles, CA 90007

Property Tax Parcel/Account Number: 6320-16-00-0920

QUITCLAIM DEED

This Quitclaim Deed is made on this 29th day of September, 2014, between Ricardo Garcia, Husband, Grantor, of 5953 Boggs Ford Road, City of Port Orange, State of Florida, and Baiba Garcia, Wife, Grantee, of 5953 Boggs Ford Road, 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 5953 Boggs Ford Road, City of Port Orange, State of Florida:

LOT 92, SKYLAKE PHASE II, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN MAP BOOK 43, PAGES 141 THROUGH 142, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

AS PER DIVORCE

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any. Taxes for the tax year of 2014 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

Instrument# 2014-179000 # 2
Book: 7039
Page: 1209
Diane M. Matousek
Volusia County, Clerk of Court

Dated: 9/29/14

Ricardo Garcia
Signature of Grantor

RICARDO GARCIA
Name of Grantor

Amy L Barber
Signature of Witness #1

Amy L. Barber
Printed Name of Witness #1

Robert Y McMahon
Signature of Witness #2

Robert Y. McMahon
Printed Name of Witness #2

State of Florida County of Volusia
On September 29, 2014, the Grantor, RICARDO GARCIA
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.

Diana Lindley
Notary Signature

Notary Public,
In and for the County of Volusia State of Florida

My commission expires: November 13, 2014 Seal

Send all tax statements to Grantee.

NOTARY PUBLIC STATE OF FLORIDA
DIANA LINDLEY
MY COMMISSION # EE 008371
EXPIRES: November 13, 2014
Bonded Thru Budget Notary Services

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 violation, 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. 16-167

Name	Activity	Activity_Date	Status	Cost
Maureen Kennedy	Mailing Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	02/08/2016	Mailing return unclaimed	$7.17
John Kennedy	Mailing Notice of Violation/Notice of Hearing to 17 Brook Trail, Wurtsboro, NY 12790	02/08/2016		$7.17
Linda Kennedy	Mailing Notice of Violation/Notice of Hearing to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	02/08/2016	Green card returned to City Clerk on 2/29/16 UNSIGNED	$7.17
Maureen Kennedy	Mailing Finding of Fact, Conclusion of Law & Order to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	03/09/2016		$7.21
John Kennedy	Mailing Finding of Fact, Conclusion of Law & Order to 17 Brook Trail, Wurtsboro, NY 12790	03/09/2016		$7.17
Linda Kennedy	Mailing Finding of Fact, Conclusion of Law & Order to 40 Burlison Ave. Apt #2, Ellenville, NY 12790	03/09/2016		$7.17
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/09/2016		$27.00

Total: 70.06

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO.:16-167

To: Linda Kennedy and Maureen Kennedy
Property Owners
40 Burlison Ave Apt 2
Ellenville, NY 12428

John Kennedy
Property Owner
17 Brook Trail
Wurtsboro, NY 12790

Re: 5204 Sydney Street
Port Orange, FL 32127
Parcel ID: 6315-07-21-0080
LEGAL DESCRIPTION: LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 5, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 3, Section 304.11 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.18 (Building Security) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

On February 5, 2016, I observed high weeds, grass and overgrowth on the entire property along with trash in front of the home located at 5204 Sydney Street. Upon further inspection, I noted damaged and unsecured metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the

ceiling inside the home. This property is abandoned and uninhabitable. These are repeat violations of case #15-018 where the Special Magistrate ruled this structure as a public health and safety nuisance. The violations still exist and need to be removed or repaired.

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

This correspondence will serve as official notification that the above stated violation must be corrected by **February 19, 2016.**

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to $5,000.00 per day per violation for a repeat violation, and up to $15,000.00 per violation if the Code Enforcement Board or a Code Enforcement Special Magistrate finds the violation to be irreparable or irreversible in nature.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to *Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes*, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on the **9th day of March, 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 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 $ 21.51 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on the **9th day of March, 2016**, 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 **13th day of April 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 Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 8th day of February, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to John, Linda and Maureen Kennedy, 5204 Sydney Street, Port Orange, FL 32127 was

☐ Hand-delivered
☒ Posted at the property

Time: 11:15 am

this 8th day of February, 2016.

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Linda Kennedy and Maureen Kennedy, 40 Burlison Ave., Apt 2, Ellenville, NY 12428 and John Kennedy, 17 Brook Trail, Wurtsboro, NY 12790 was

☒ Posted at City Hall
☒ Sent via certified

this 8 day of February, 2016.

Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6315-07-21-0080 2016 Working Tax Roll Last Updated: 01-31-2016

Owner Name and Address

Alternate Key	3637674	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6315-07-21-0080	**Mill Group**	402 Port Orange
Full Parcel ID	15-16-33-07-21-0080	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		**Ownership Percent**	33.3
Owner Name	KENNEDY LINDA &		
Owner Name/Address 1			
Owner Address 2	40 BURLISON AVE APT 2		
Owner Address 3	ELLENVILLE NY		
Owner Zip/Postal Code	12428		
Situs Address	5204 SYDNEY ST PORT ORANGE 32127		

Additional Owners

Ownership Type		**Ownership Percent**	33.30
Additional Owner Name	KENNEDY JOHN &		
Ownership Type		**Ownership Percent**	33.30
Additional Owner Name	KENNEDY MAUREEN &		

Legal Description

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6447 1442	12/2009	Personal Rep.	Unqualified Sale	Yes	100
4644 1030	01/2001	Warranty Deed	Qualified Sale	Yes	42,912
4110 0099	05/1996	Warranty Deed	Qualified Sale	Yes	42,500
3930 3323	06/1994	Warranty Deed	Qualified Sale	Yes	32,000
3722 3665	01/1992	Warranty Deed	Unqualified Sale	Yes	28,000
3714 2483	10/1991	Warranty Deed	Qualified 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	18,470	16,738	0	35,208	35,208	32,114	0	35,208	0	32,114
2014	18,470	16,059	0	34,529	34,529	29,195	0	34,529	0	29,195

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	60.0	155.0	60.00	FRONT FEET	259.99	118	100	100	100	18,470

Neighborhood 5773 COMMONWEALTH M-H EST MB 26-PG

Total Land Classified 0

Total Land Just 18,470

Building Characteristics

Building Number: 116244 **(Building 1 of 1)**

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
116244	Mobile Home	180	1973	150	Mobile Home	70%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0
Roof Cover	METAL	**Wall Type**	Plywood Panel	**X Fixture Bath**	0	**5 Fixture Bath**	0
Heat Type1	Forced Ducted	**Heat Source1**	Gas	**2 Fixture Bath**	0	**6 Fixture Bath**	0
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0
Foundation	Wd Conc Piers	**Year Remodeled**		**Fireplaces**	0	**A/C**	Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area

02/19/2010 12:13 PM
Doc stamps .70
(Transfer Amt $ 10)
Instrument# 2010-030117 # 1
Book: 6447
Page: 1442

Prepared by and return to:
Janet M. Strickland
Attorney at Law
Law Office of Janet M. Strickland, P.A.
4643 Clyde Morris Boulevard Suite 307
Port Orange, FL 32129
386-763-5083
File Number: **B08-031**
Will Call No.: [redacted]

[Space Above This Line For Recording Data]

Personal Representative's Deed

This Personal Representative's Deed made this 31 day of December, **2009**, between **John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased** whose post office address is **17 Brook Trail, Wurtsboro, NY 12790**, grantor, and **Linda Kennedy, a married person and John Kennedy, a single person and Maureen Kennedy, a single person** whose post office address is **40 Burlison Ave., Apt. 2, Ellenville, NY 12428**, grantee:

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

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

LOT 8, BLOCK 21, COMMONWEALTH MOBILE ESTATES-2ND ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 104, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA, TOGETHER WITH A 1973 TAHO DOUBLE WIDE MANUFACTURED HOME HAVING IDENTIFICATION NUMBERS 3T60LJ35122A&B.

Parcel Identification Number: 6315-07-21-0080

Subject to taxes for 2008 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

This document was prepared at the request of the Grantor(s) and no title search was requested or rendered.

More Commonly Known As: 5204 Sydney Street, Port Orange, FL 32127.

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 has good right and lawful authority to sell and convey said land; that the grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

Instrument# 2010-030117 # 2
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Page: 1443
Diane M. Matousek
Volusia County, Clerk of Court

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: MIRTA RIVAS

Witness Name: LINDA RIVAS

John Kennedy, Personal Representative

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 16th day of JANUARY, 2010 by John Kennedy, Personal Representative of the Estate of Joseph O'Dwyer, deceased, who [_] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: ROBERT GOMEZ JR.

My Commission Expires: October 31, 2010

ROBERT GOMEZ, JR.
Notary Public, State of New York
Qualified in Ulster County
No. 4943623
Commission Expires October 31, 2010

DoubleTime®

04/17/2015 08:23 AM
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CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-0018

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Linda Kennedy
Maureen Kennedy
John Kennedy
5204 Sydney Street
Port Orange, FL 32127
6315-07-21-0080

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 April 8, 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), Linda Kennedy and Maureen Kennedy, whose mailing address is 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy, whose mailing address is 17 Brook Trail, Wurtsboro, NY 12790 is/are the owner(s) of the property located at 5204 Sydney Street, and more particularly described as:

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS [redacted] PER OR 6447 PGS [redacted]

B. There are high weeds and grass, overgrowth along with garbage in front of the home, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, and a partial collapse of the celling inside the home observed at 5204 Sydney Street, Port Orange, FL 32127. This condition was first observed at the real property described above on January 8, 2015; re-inspections made on April 6, 2015 confirmed the condition as being the same. Respondent(s), Linda Kennedy, Maureen Kennedy, and John Kennedy, received notice via certified mail on March 9, 2015 and posted at City Hall. The notice was also posted on the property on March 6, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port

Orange Land Development Code, Chapter 3, Section 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 Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, and was to be corrected by April 6, 2015.

C. At the time of the hearing on April 8, 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), Linda Kennedy, Maureen Kennedy, and John Kennedy, by reason of the foregoing, has/have violated Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 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 Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, and Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass, overgrowth along with garbage in front of the home on the property, damaged and unsecure metal pans on the car port, unsecured doors to the garage and porch, roof and soffit damage, an a partial collapse of the ceiling inside the home that was observed at 5204 Sydney Street, Port Orange, FL 32127 is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violations by repairing all roof and soffit damage, by removing all loose and unsecured metal, by securing all doors and windows, by repairing all damaged walls, ceilings and rotted wood inside the mobile home, by mowing the entire property and trimming all high weeds and by removing all garbage and debris from the property on or before April 15, 2015. Additionally, the respondents are required to contact code compliance inspector Allman to discuss permitting for the repairs or demolition of the mobile home. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 15, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is $76.45 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

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Diane M. Matousek
Volusia County, Clerk of Court

DONE AND ORDERED this 8 day of April, 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), Linda Kennedy and Maureen Kennedy at 40 Burlison Avenue, Apt. 2, Ellenville, NY 12428 and John Kennedy at 17 Brook Trail, Wurtsboro, NY 12790, by Certified and Regular Mail this 14 day of April, 2015.

_____
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) *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

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

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

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

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

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

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

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

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

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

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

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

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

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

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

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

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

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

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

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

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

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

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

SECTION 305
INTERIOR STRUCTURE

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

the structure that 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 *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. 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. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

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

305.3 Interior surfaces. 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* or the *International Existing 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.

Case Cost Sheet Log

Case No. 15-1367

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living & Retirement Home LLC	Mailing Notice of Violation/Notice of Hearing to 3101 Archer Avenue, Orlando, FL 32833	02/01/2016	Mail returned unclaimed	$6.95
Country Manor Assisted Living & Retirement Home LLC	Mailing Finding of Fact, Conclusion of Law & Order to 3101 Archer Avenue, Orlando, FL 32833	03/09/2016		$7.17
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	03/09/2016		$27.00

Total: 41.12

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1367

To: Country Manor Assisted Living & Retirement Home LLC
Property Owner
3101 Archer Avenue
Orlando, FL 32833

Re: 1152 Old Hammock Road
Port Orange, FL 32129
Parcel ID: 6305-04-00-0021
LEGAL DESCRIPTION: W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **August 7, 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.

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.

Initial inspection conducted on **August 7, 2015**. While in the area, I noticed that this property was abandoned and very overgrown. In addition, there is trash and debris on site. I left a 10 day door hanger to mow the entire property and remove any trash and debris on site. A re-inspection was conducted on **October 15, 2015** and no corrections have been made and property remains in non-compliance as of this date. Due to the extreme height of the grass, case is to be considered a health and safety violation due to the possible harboring of rodents, snakes, insects, etc. as well as a home for vagrants.

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

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST BE CORRECTED BY **FEBRUARY 7, 2016. BY MOWING ENTIRE PROPERTY AND REMOVING ALL TRASH AND DEBRIS.**

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on March 9, 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 **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 $ 10.73 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 **March 9, 2016** 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 April 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 29th day of January, 2016.

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 **Country Manor Assisted Living & Retirement Home LLC, Property Owner, 3101 Archer Avenue, Orlando, FL 32833**, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 29th day of January, 2016.

Time: approx. 3:15 pm

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 **Country Manor Assisted Living & Retirement Home LLC, Property Owner, 3101 Archer Avenue, Orlando, FL 32833**, was

☒ Posted at City Hall
☒ Sent via certified

this 1st day of February, 2016.

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 [illegible] 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6305-04-00-0021 **2016 Working Tax Roll** Last Updated: 01-10-2016

Owner Name and Address

Alternate Key	3585747	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	**Mill Group**	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	**2015 Final Mill Rate**	20.86510
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		**Ownership Percent**	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

Legal Description

W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6289	3245	10/2008	Warranty Deed	Qualified Sale	Yes	800,000
3835	2693	06/1993	Warranty Deed	Qualified Sale	Yes	500,000
2893	1087	10/1986	Warranty Deed	Personal property /business	Yes	860,000
2168	0868	05/1980	Warranty Deed	Qualified Sale	Yes	135,000

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	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592
2014	361,004	114,848	10,662	486,514	486,514	486,514	0	486,514	0	486,514

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.25	100	65	100	100	361,004

Neighborhood C5502 PORT ORANGE- NOVA ROAD

Total Land Classified 0

Total Land Just 361,004

Building Characteristics

Building Number: 111590 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111590	Commercial	Concrete or Masonry	1432	1976	300	42%	70%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	9.00	2	1976	0.00	1250	Home for the Aged, Average (74C)	100.00	No	Yes
002	9.00	1	1976	0.00	132	Porch, Open Unfinished (UOP)	0.00	No	No
003	9.00	1	1984	0.00	133	Porch, Open Finished (FOP)	0.00	No	No
004	9.00	1	1976	0.00	8498	Home for the Aged, Average (74C)	100.00	No	No
005	9.00	1	1976	0.00	626	Porch, Screen Unfinished (USP)	0.00	No	No
006	9.00	1	1976	0.00	28	Porch, Open Finished (FOP)	0.00	No	No
007	9.00	1	1986	0.00	28	Porch, Open Finished (FOP)	0.00	No	No
008	9.00	1	1976	0.00	112	Porch, Open Finished (FOP)	0.00	No	No

Exterior Wall Type	Area%
44 Concrete Block, Stucco	84%
11 Wood Frame, Wood Siding	10%
43 Concrete Block, Stone Veneer	6%

Best Available Image

10/27/2008 08:49 AM
Doc stamps 5600.00
(Transfer Amt $ 800000)
Instrument# 2008-210417 # 1
Book: 6289
Page: 3245
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared By:

John B. Crowther
Attorney at Law
279 East Graves Avenue
Orange City, Florida 32763
(386) 775-6179

Property Appraiser's Parcel Identification Number:
3[illegible]04-00-0021

RETURN TO 18305-3
VOLUSIA TITLE SERVICES
109 WEST RICH AVENUE
DELAND, FL 32720

THIS SPECIAL WARRANTY DEED, executed this 23RD day of October, 2008, by **EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation**, 202 Plumosa Road, DeBary, Florida 32713, Grantor, to **COUNTRY MANOR ASSISTED LIVING & RETIREMENT HOME, LLC, a Florida Limited Liability Company**, whose post office address is 3101 Archer Avenue, Orlando, Florida 32833, Grantee:

WITNESSETH, that the said Grantor, for and in consideration of the sum of $10.00, in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee forever, all right, title, interest, claim and demand which the said Grantor has in and to the following-described lot, piece or parcel of land, situate, lying and being in the County of Volusia, State of Florida, to wit:

The West Three (3) acres of Tract 2 of the replat of the Division of a portion of the Division of Lot 5, Section 5, Township 16 South, Range 33 East, CITY OF PORT ORANGE, Volusia County, Florida, as recorded in Plat Book 34, Pages 13 and 14, Public Records of Volusia County, said West Three (3) acres have also been described as the West Three (3) acres of Lot 2, VOSS SUBDIVISION, as recorded in Deed Book "L", Page 18, Public Records of Volusia County, said property being more particularly described as follows: Begin at the Southwest corner of Government Lot 5, thence North 00°13'35" West a distance of 280.50 feet to the Southwest corner of said Tract 2 and the true Point of Beginning; thence North 00°13'57" West a distance of 589.75 feet; thence North 89°07'09" East a distance of 221.59 feet; thence South 00°13'57" East a distance of 269.75 feet to the Northerly line of a 32 foot utility, ingress and egress easement; thence South 00°13'57" East along the West line of said easement a distance of 32 feet; thence South 00°13'57" East a distance of 290.56 feet; thence South 89°46'53" West a distance of 221.58 feet to the true Point of Beginning.

Subject to the same conditions, reservations and restrictions of record, if any, which previously affected this property and which are in affect at this date, and also subject to zoning and other governmental regulations.

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

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

AND the Grantor hereby covenants with said Grantee that, except as above noted, at the time of the delivery of this deed the premises were free from all encumbrances made by the Grantor, except taxes accruing subsequent to December 31, 2007, and the Grantor will warrant and defend the same against the lawful claims and demands of all persons claiming by, through or under the Grantor, but against none other.

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

Signed, sealed and delivered in the presence of:

John B. Crowther

Elizabeth A. Waldren

EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC.

By: Eleanor B. Ade L.S.
Eleanor B. Ade, as Vice President

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **ELEANOR B. ADE, as Vice President of EDA INVESTMENT CORPORATION, a/k/a EDA INVESTMENT CORPORATION, INC., a Florida corporation**, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, that I relied upon the following form of identification of the above-named person: Drivers license, and that an oath was taken.

WITNESS my hand and official seal in the State and County last aforesaid this 23rd day of October, 2008.

Notary Public, State of Florida

My commission expires:

ELIZABETH A. WALDREN
Notary Public - State of Florida
My Commission Expires Jul 12, 2009
Commission # DD 445784
Bonded By National Notary Assn.

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

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

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

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

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

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) ***Maintenance of commercial and industrial zoned lots.*** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

(e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.

(f) ***Garbage, waste, trash, etc., prohibited.*** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

(g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit

Case Cost Sheet Log

Case No. 16-0160

Name	Activity	Activity_Date	Status	Cost
Attorney Maria Kwak	Mailing Notice of Violation and Notice of Hearing to Attorney	02/09/2016		$8.77
Clerk of Court	Recording Fee - Finding of Fact, Conclusion of Law, & Order	02/10/2016		$27.00

Total: $35.77

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-0160

To: Billy Gordon
Property Owner
890 Chipmunk Trail
Port Orange, FL 32129

Re: 890 Chipmunk Trail
Port Orange, FL 32129
Parcel ID: 6337-04-00-005C
LEGAL DESCRIPTION: N 190 FT OF W 200 FT OF LOT 5 PLANTATION ACRES PER OR 4318 PG 4980 PER OR 7084 PG 1509 PER OR 7084 PG 1508
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 4, 2016 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 (Maintenance 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 (Maintenance of property general y-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 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.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

Chapter 3 (General Requirements), Section 304 (Exterior Structure). 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All 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.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

I received a complaint on the code enforcement hotline regarding six residents residing in the home without water or electric. Complainant states that the residents are defecating and urinating outside and that the home is in a deplorable state. An inspection was performed on February 4, 2016 which included staff from code enforcement, the building department, and the police department. There were 3 residents on site at time of inspection. We were given permission from the residents to enter the home to view the violations. We observed a number of serious housing code issues to include no water or electric, electrical and wiring issues, safety related issues with the guard rails/hand rails, the roof in the garage has caved in, outside storage, high weeds and grass, sanitary nuisances, etc. Building Official, Kerry Leuzinger, deemed the residence unsafe and uninhabitable. A placard was posted on the property on August 5th citing Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the International Property Maintenance Code. The residents were informed of the violations and the dangerous conditions in the home and were told to vacate the premises.

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 March 10, 2016 by making the following corrections:

1) Entire property shall be mowed and maintained to a height not to exceed 10 inches. This includes weeding out all landscaped beds, weed eating around all trees and the exterior of the home, and removal of all fallen trees and limbs.
2) Entire property shall be cleaned up by removing all trash and debris on site.
3) ALL outside storage shall be removed and stored inside an enclosed building.
4) The roof collapse is considered to be health and safety issue and must be corrected prior to re-entering and occupying the home. An engineer will be required for any structural roof repairs. A building permit must be obtained through the City of Port Orange prior to the commencement of any work. A licensed building contractor will be required to do necessary roof repairs.
5) All entrances and exits shall be equipped with locking devices to include the garage door.
6) The exterior of the property shall be cleaned up so as to not
7) Accessory structures on the property (sheds in the back/side yards) must be repaired or demolished. Work must be completed by a licensed building contractor. A building permit must be obtained from the City of Port Orange prior to the commencement of any work.
8) All interior and exterior guardrails and handrails must be repaired by a licensed building contractor. A permit will need to be obtained from the City of Port Orange prior to the commencement of any work.
9) Every window and door that is not operable or is broken or in a state of disrepair must be repaired or replaced by a licensed contractor. Replacement of any windows will require a building permit through the City of Port Orange.
10) Locks are required on all entrances to dwelling units and sleeping units. Locks are also required on all egress doors in the hone.
11) The interior of the home must be must be in a clean and sanitary condition. The current condition of the home constitutes a health and safety hazard.
12) All plumbing fixtures shall be connected to a public water system or approved water system. Lack of water constitutes a health and safety violation.
13) A licensed, certified electrician will be required to inspect the home and make all necessary repairs prior to turning the electric back on. A permit must be obtained through the City of Port Orange prior to the commencement of any work.

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 February 10, 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 **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 $ 8.33 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 February 10, 2016 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 March 23, 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 9th day of February, 2016.

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** Billy Gordon, Property Owner, 890 Chipmunk Trail, Port Orange, FL 32129, was

☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Michael Gordon (son of deceased owner)

Time: approx. 8:40AM

this 9th day of February, 2016.

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 Billy Gordon, Property Owner, 890 Chipmunk Trail, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Maria Kwak, Primary Attorney, Brock & Scott PLLC, 4919 Memorial Highway, Suite 135, Tampa, Florida 33634, was

☒ Posted at City Hall

☒ Sent via certified

this 9 day of Feb, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6337-04-00-005C 2016 Working Tax Roll Last Updated: 02-07-2015

Owner Name and Address

Alternate Key	3681240	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6337-04-00-005C	**Mill Group**	402 Port Orange
Full Parcel ID	37-16-33-04-00-005C	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Estate	**Ownership Percent**	100
Owner Name	GORDON BILLY		
Owner Name/Address 1			
Owner Address 2	890 CHIPMUNK TRL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32168-5905		
Situs Address	890 CHIPMUNK TR PORT ORANGE 32129		

Legal Description

N 190 FT OF W 200 FT OF LOT 5 PLANTATION ACRES PER OR 4318 PG 4980 PER OR 7084 PG 1509 PER OR 7084 PG 1508

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4318	4980	06/1998	Warranty Deed	Qualified Sale	Yes	119,900
4279	2094	02/1998	Quit Claim Deed	Unqualified Sale	Yes	10
4033	2216	08/1995	Warranty Deed	Unqualified Sale	Yes	8,400
4033	2214	12/1994	Warranty Deed	Unqualified Sale	Yes	9,300
2037	1444	12/1978	Warranty Deed	Qualified Sale	Yes	29,700

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	55,036	114,055	848	169,939	169,939	169,939	0	169,939	0	169,939
2014	55,036	98,574	1,325	154,935	145,260	145,260	26,000	119,260	25,000	94,260

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	190.0	200.0	190.00	FRONT FEET	289.99	105	100	95	100	55,036
Neighborhood	5280 YE OLD SUGAR MILL (6337-03)									**Total Land Classified**	0
										Total Land Just	55,036

Building Characteristics

Building Number: 120062 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120062	Single Family	138	1972	300		30%	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)	CONC OR CINDER BLOCK	1.0	1972	N	0%	0%	1018 Sq. Feet
002	Unfinished Garage (UGR)	Non-Applicable	1.0	1972	N	0%	0%	650 Sq. Feet
003	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1997	N	0%	0%	55 Sq. Feet
004	Unfinished Utility (UST)	Non-Applicable	1.0	1997	N	0%	0%	77 Sq. Feet
005	Porch, Open Finished (FOP)	Non-Applicable	1.0	1972	N	0%	0%	14 Sq. Feet
006	Upper Story, Finished (FUS)	Non-Applicable	1.0	1972	N	0%	0%	1488 Sq. Feet
007	Wood Deck (WDK)	Non-Applicable	1.0	1997	N	0%	0%	160 Sq. Feet

06/25/1998 11:55
Doc stamps 839.30
(Transfer Amt $ 119900)
Instrument # 98114082
Book: 4318
Page: 4980

PREPARED BY AND RETURN TO:
NICHOLAS A. GEORGE
Ossinsky & George
500 N. Oleander Ave.
Daytona Beach, FL 32118

Parcel No: 6337-04-00-005C

Grantees S.S. No. [redacted] & [redacted]

WARRANTY DEED (Statutory Form - Section 689.02, F.S.)

This Indenture, made this 10th day of June, 1998, **Between**

DEANNA LEBEDZ, a widow and single, DONALD B. LEBEDZ, JR. and BOBBIE D. LEBEDZ, his wife,

whose post office address is 19 Cunningham Dr., New Smyrna Beach, FL 32168-5905, of the County of Volusia, State of Florida, grantor*, and

BILLY GORDON and HATTIE GORDON, his wife,

whose post office address is 890 Chipmunk Trail, Port Orange, FL 32119, of the County of Volusia, State of Florida, grantee*,

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 said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

The Westerly 200 feet of the Northerly 190 feet of Lot 5, Plantation Acres, Map Book 23, Pages 69 and 70, Public Records of Volusia County, Florida, together with and subject to a perpetual easement of ingress and egress over and upon that 15 foot strip of land through Lots 3 and 5, recorded in Official Records Book 1432, Page 475, Public Records of Volusia County, Florida.

Subject to easements and restrictions of record, if any; however, reference thereto shall not serve to reimpose the same.

Subject to a purchase money first mortgage payable to Deanna LeBedz.

Grantor, Deanna LeBedz, hereby confirms that the spouse with whom title to this property was acquired was continuously married to said Deanna LeBedz from the time of its acquisition through the time of said spouse's death.

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

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

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
NICHOLAS A. GEORGE
Print Name of Witness

Witness
WALTER J. SNELL
Print Name of Witness

DEANNA LEBEDZ

DONALD G. LEBEDZ, JR.

BOBBIE D. LEBEDZ

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 17th day of June, 1998, by DEANNA LEBEDZ, a widow and single, DONALD G. LEBEDZ, JR. and BOBBIE D. LEBEDZ, his wife, who are personally known to me or who have produced _____ as identification.

Notary Public

Printed Name of Notary Public

My commission expires:

Nicholas A. George
Notary Public, State of Florida
Commission No. CC 430927
My Commission Expires 01/15/99
1-800-3-NOTARY - Fla. Notary Service & Bonding Co.

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

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

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

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

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

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

(e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.

(f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

(g)

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)

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 1 - Scope and Administration
    - SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General.
[A] 108.2 Closing of vacant structures.
[A] 108.3 Notice.
[A] 108.4 Placarding.
[A] 108.5 Prohibited occupancy.
[A] 108.6 Abatement methods.
[A] 108.7 Record.

[A] 108.1 General.
[A] 108.2 Closing of vacant structures.
[A] 108.3 Notice.
[A] 108.4 Placarding.
[A] 108.5 Prohibited occupancy.
[A] 108.6 Abatement methods.
[A] 108.7 Record.

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SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General.

When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy,* or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] 108.1.1 Unsafe structures.

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment.

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] 108.1.3 Structure unfit for human occupancy.

A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks

maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation,* illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] 108.1.4 Unlawful structure.
An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] 108.1.5 Dangerous *structure* or *premises*.
For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.

2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.

3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration, neglect,* abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored,* attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration,* decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy.*

7. The building or structure is *neglected,* damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation,* mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.

11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] 108.2 Closing of vacant structures.
If the structure is vacant and unfit for human habitation and *occupancy,* and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

[A] 108.2.1 Authority to disconnect service utilities.
The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] 108.3 Notice.
Whenever the *code official* has *condemned* a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the *condemned* equipment. The notice shall be in the form prescribed in Section 107.2.

[A] 108.4 Placarding.
Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises,* operating the equipment or removing the placard.

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 1 - Scope and Administration
    - SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger.
[A] 109.2 Temporary safeguards.
[A] 109.3 Closing streets.
[A] 109.4 Emergency repairs.
[A] 109.5 Costs of emergency repairs.
[A] 109.6 Hearing.

[A] 109.1 Imminent danger.
[A] 109.2 Temporary safeguards.
[A] 109.3 Closing streets.
[A] 109.4 Emergency repairs.
[A] 109.5 Costs of emergency repairs.
[A] 109.6 Hearing.
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SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger.

When, in the opinion of the *code official,* there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This *Structure* Is Unsafe and Its *Occupancy* Has Been Prohibited by the *Code Official.*" It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

[A] 109.2 Temporary safeguards.

Notwithstanding other provisions of this code, whenever, in the opinion of the *code official,* there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

[A] 109.3 Closing streets.

When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 3 - General Requirements
    - SECTION 301 GENERAL
    - SECTION 302 EXTERIOR PROPERTY AREAS
    - SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS
    - SECTION 304 EXTERIOR STRUCTURE
    - SECTION 305 INTERIOR STRUCTURE
    - SECTION 306 COMPONENT SERVICEABILITY
    - SECTION 307 HANDRAILS AND GUARDRAILS
    - SECTION 308 RUBBISH AND GARBAGE
    - SECTION 309 PEST ELIMINATION

302.1 Sanitation.
302.2 Grading and drainage.
302.3 Sidewalks and driveways.
302.4 Weeds.
302.5 Rodent harborage.
302.6 Exhaust vents.
302.7 Accessory structures.
302.8 Motor vehicles.
302.9 Defacement of property.

302.1 Sanitation.
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302.8 Motor vehicles.
302.9 Defacement of property.

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302.1 Sanitation.

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

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 3 - General Requirements
    - SECTION 301 GENERAL
    - SECTION 302 EXTERIOR PROPERTY AREAS
    - SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS
    - SECTION 304 EXTERIOR STRUCTURE
    - SECTION 305 INTERIOR STRUCTURE
    - SECTION 306 COMPONENT SERVICEABILITY
    - SECTION 307 HANDRAILS AND GUARDRAILS
    - SECTION 308 RUBBISH AND GARBAGE
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302.1 Sanitation.
302.2 Grading and drainage.
302.3 Sidewalks and driveways.
302.4 Weeds.
302.5 Rodent harborage.
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302.7 Accessory structures.
302.8 Motor vehicles.
302.9 Defacement of property.

302.1 Sanitation.
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302.7 Accessory structures.
302.8 Motor vehicles.
302.9 Defacement of property.

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302.7 Accessory structures.

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

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304.13 Window, skylight and door frames.
304.14 Insect screens.
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304.17 Guards for basement windows.
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304.1 General.

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

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304.13 Window, skylight and door frames.
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304.17 Guards for basement windows.
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304.19 Gates.
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SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;

6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;

8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration,* fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;

12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored,* or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an *approved* method.

2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official.*

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

[F] 304.3 Premises identification.
Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

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

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304.4 Structural members.

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

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304.13 Window, skylight and door frames.
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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.*

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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.

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304.13 Window, skylight and door frames.
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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.

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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.

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304.13 Window, skylight and door frames.
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304.15 Doors.
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304.17 Guards for basement windows.
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304.13 Window, skylight and door frames.

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

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304.13 Window, skylight and door frames.
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304.15 Doors.

All 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.

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 3 - General Requirements
    - SECTION 301 GENERAL
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    - SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS
    - SECTION 304 EXTERIOR STRUCTURE
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305.1 General.
305.2 Structural members.
305.3 Interior surfaces.
305.4 Stairs and walking surfaces.
305.5 Handrails and guards.
305.6 Interior doors.

305.1 General.
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305.3 Interior surfaces.
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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 unit*s 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 *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;

2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;

3. Structures or components thereof that have reached their limit state;

4. 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.

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 5 - Plumbing Facilities and Fixture Requirements
    - SECTION 501 GENERAL
    - SECTION 502 REQUIRED FACILITIES
    - SECTION 503 TOILET ROOMS
    - SECTION 504 PLUMBING SYSTEMS AND FIXTURES
    - SECTION 505 WATER SYSTEM
    - SECTION 506 SANITARY DRAINAGE SYSTEM
    - SECTION 507 STORM DRAINAGE

505.1 General.
[P] 505.2 Contamination.
505.3 Supply.
505.4 Water heating facilities.

505.1 General.
[P] 505.2 Contamination.
505.3 Supply.
505.4 Water heating facilities.
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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 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

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International Property Maintenance Code
[2012 (Second Printing)]
Chapter 6 - Mechanical and Electrical Requirements
- SECTION 601 GENERAL
- SECTION 602 HEATING FACILITIES
- SECTION 603 MECHANICAL EQUIPMENT
- SECTION 604 ELECTRICAL FACILITIES
- SECTION 605 ELECTRICAL EQUIPMENT
- SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS
- SECTION 607 DUCT SYSTEMS

601.1 Scope.
601.2 Responsibility.
601.1 Scope.
601.2 Responsibility.
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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.

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 6 - Mechanical and Electrical Requirements
    - SECTION 601 GENERAL
    - SECTION 602 HEATING FACILITIES
    - SECTION 603 MECHANICAL EQUIPMENT
    - SECTION 604 ELECTRICAL FACILITIES
    - SECTION 605 ELECTRICAL EQUIPMENT
    - SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS
    - SECTION 607 DUCT SYSTEMS

604.1 Facilities required.
604.2 Service.
604.3 Electrical system hazards.

604.1 Facilities required.
604.2 Service.
604.3 Electrical system hazards.
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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 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,

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- International Property Maintenance Code [2012 (Second Printing)]
  - Chapter 6 - Mechanical and Electrical Requirements
    - SECTION 601 GENERAL
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    - SECTION 605 ELECTRICAL EQUIPMENT
    - SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS
    - SECTION 607 DUCT SYSTEMS

605.1 Installation.
605.2 Receptacles.
605.3 Luminaires.
605.4 Wiring.

605.1 Installation.
605.2 Receptacles.
605.3 Luminaires.
605.4 Wiring.
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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. 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 at least one electric luminaire. Pool and spa luminaries 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.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs. **CASE NO: 16-0160**

Billy Gordon,

Respondent.

Property Address: **890 Chipmunk Trail, Port Orange, FL 32129**
Parcel ID: **6337-04-00-005C**

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.

2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.

3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 890 Chipmunk Trail, Port Orange, Florida 32129, is owned by Billy Gordon.

4. That 890 Chipmunk Trail, 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 for the property at 890 Chipmunk Trail, Port Orange, Florida 32129, at 8:40a.m on the 9th day of February 2016, to Michael Gordon (son of owner-Billy Gordon), who is presently residing in the

Volusia County Branch Jail located at 1300 Red John Drive, Daytona Beach, FL and 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 9th day of February, 2016.

Dena Joseph
Code Compliance Inspector

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was sworn to before me on the 9th day of February, 2016, by Dena Joseph, who is personally known to me.

Notary Public, State of Florida

Commission No. _____

DEBORAH J. FAIRCLOTH
MY COMMISSION EXPIRES
December 26, 2018
#FF 171469
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs. **CASE NO: 16-0160**

Billy Gordon,

Respondent.

Property Address: **890 Chipmunk Trail, Port Orange, FL 32129**
Parcel ID: **6337-04-00-005C**

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.

2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.

3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 890 Chipmunk Trail, Port Orange, Florida 32129, is owned by Billy Gordon.

4. That 890 Chipmunk Trail, Port Orange, Florida 32129 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 890 Chipmunk Trail, Port Orange, Florida 32129, at 12:30 p.m. on the 8th day of February, 2016, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 9th day of February, 2016.

Dena Joseph
Code Compliance Inspector

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was sworn to before me on the 9th day of February, 2016, by Dena Joseph, who is personally known to me.

Notary Public, State of Florida

Commission No.

DEBORAH J. FAIRCLOTH
MY COMMISSION EXPIRES
December 26, 2018
#FF 171469
Bonded thru Notary Public Underwriters
NOTARY PUBLIC, STATE OF FLORIDA

Case Cost Sheet Log

Case No. 15-1809

Name	Activity	Activity_Date	Status	Cost
Susan Hawthorne	Mailing Notice of Violation/Notice of Hearing to 101 Cambridge Drive, Port Orange, FL 32127	12/18/2015	Returned unclaimed	$6.95
Travis Houman	Mailing Notice of Violation/Notice of Hearing to 101 Cambridge Drive, Port Orange, FL 32127	12/18/2015	Returned unclaimed	$6.95
Lindsey Matthews	Mailing Notice of Violation/Notice of Hearing to 191 Ledford Road, Lot #6, Cairo, GA 38928	01/14/2016	Green card signed and received by the City Clerk on 1/19/16	$6.95
Susan Hawthorne	Mailing Finding of Fact/Conclusion of Law & Order to 101 Cambridge Drive, Port Orange, FL 32127	02/04/2016		$6.95
Travis Houman	Mailing Finding of Fact/Conclusion of Law & Order to 101 Cambridge Drive, Port Orange, FL 32127	02/04/2016		$6.95
Lindsey Matthews	Mailing Finding of Fact/Conclusion of Law & Order to 191 Ledford Road, Lot 6, Cairo, GA 39828	02/04/2016	Green card signed 2/9/16	$6.95
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	02/04/2016	Book 7214/page 1973	$27.00
Clerk of Court	Recording fee - Order Imposing Fine/Lien	03/09/2016		$27.00
Susan Hawthorne	Mailing costs for Order Imposing Fine/Lien	03/09/2016		$0.48
Travis Houman	Mailing costs for Order Imposing Fine/Lien	03/09/2016		$0.48
Lindsey Matthews	Mailing costs for Order Imposing Fine/Lien	03/09/2016		$0.48

Total: $97.14

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1809

To: Travis Houman LF EST and
Susan Hawthorne LF EST
101 Cambridge Dr
Port Orange, FL 32127

To: Lindsey Matthews
191 Ledford Rd, Lot 6
Cairo, GA 39828

Re: 101 Cambridge Dr
Port Orange, FL 32127
Parcel ID: 6321-01-01-0010
LEGAL DESCRIPTION: LOT 1 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 5095 PG 0299 PER OR 5795 PG 4076 PER OR 5804 PGS 4359-4360 PER OR 6199 PGS 4435-4436 PER OR 6206 PGS 4977-4978 PER OR 6790 PGS 3839-3840 PER OR 6821 PG 1376
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 26, 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 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System.

Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 604.1 Electrical Facilities.

An inspection of the property was conducted on October 26, 2015. On October 26, 2015 I inspected the property with police Officer Bryan Roy. During that inspection, I observed several people living in the home. A male subject at the location admitted that the home was occupied and that there was no water or electric. A danger placard was posted and the male occupants were notified that the home could not be occupied. A re-inspection was conducted on November 10, 2015. I observed two male subjects removing items from the home. I was notified by them that they still lived at the location but were hoping to be gone soon. A re-inspection was conducted on December 10, 2015. During that inspection, I did not see any occupants at the home but did observe several bicycles in the front yard. On December 14, 2015, Officer John Mulligan with the POPD notified me that his department was receiving a high volume of calls at the location and confirmed that the location is occupied by four individuals. To correct the violations, the water and electric services must be reconnected.

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 **January 15, 2016.**

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 20.85 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 27, 2016** 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 **March 9, 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 15th day of December, 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 Travis Houman LF EST and Susan Hawthorne LF EST, 101 Cambridge Dr , Port Orange, FL 32127 and Lindsey Matthews, 191 Ledford Rd, Lot 6, Cairo, GA 39828, was

☐ Hand-delivered

☒ Posted at the property

this 17th day of December, 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 Travis Houman LF EST and Susan Hawthorne LF EST, 101 Cambridge Dr , Port Orange, FL 32127 and Lindsey Matthews, 191 Ledford Rd, Lot 6, Cairo, GA 39828, was

☒ Posted at City Hall

☐ Sent via certified

this 18 day of December, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6321-01-01-0010 2016 Working Tax Roll Last Updated: 12-13-2015

Owner Name and Address

Alternate Key	3654943	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6321-01-01-0010	**Mill Group**	402 Port Orange
Full Parcel ID	21-16-33-01-01-0010	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		**Ownership Percent**	50
Owner Name	HOUMAN TRAVIS LF EST &		
Owner Name/Address 1			
Owner Address 2	101 CAMBRIDGE D		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	101 CAMBRIDGE DR PORT ORANGE 32127		

Additional Owners

Ownership Type		**Ownership Percent**	50.00
Additional Owner Name	HAWTHORNE SUSAN LF EST &		

Legal Description

LOT 1 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 5095 PG 0299 PER OR 5795 PG 4076 PER OR 5804 PGS 4359-4360 PER OR 6199 PGS 4435-4436 PER OR 6206 PGS 4977-4978 PER OR 6790 PGS 3839-3840 PER OR 6821 PG 1376

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6821	1376	02/2013	Quit Claim Deed	Unqualified Sale	Yes	100
6790	3839	08/2012	Quit Claim Deed	Unqualified Sale	Yes	17,500
6206	4977	03/2008	Quit Claim Deed	Unqualified Sale	Yes	100
6199	4435	03/2008	Quit Claim Deed	Unqualified Sale	Yes	100
5804	4359	04/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5795	4076	03/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5095	299	03/2003	Quit Claim Deed	Unqualified Sale	Yes	100
4704	4847	06/2001	Quit Claim Deed	Unqualified Sale	Yes	10
3703	1831	10/1991	Warranty Deed	Qualified Sale	Yes	66,000
3554	1330	11/1990	Warranty Deed	Unqualified Sale	Yes	45,000
3501	1163	06/1990	Warranty Deed	Unqualified Sale	Yes	100
3484	1182	06/1990	Certificate of Title	Unqualified Sale	Yes	60,200

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	17,366	91,293	0	108,659	80,533	80,533	25,000	55,533	25,000	30,533
2014	17,366	81,497	0	98,863	79,894	79,894	25,000	54,894	25,000	29,894

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	90.0	120.0	90.00	FRONT FEET	180.00	107	100	100	100	17,366

Neighborhood 5708 CAMBRIDGE SUB UNIT 1,

Total Land Classified 0

Total Land Just 17,366

Building Characteristics

Building Number: 117783 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
117783	Single Family	184	1976	300		26%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**		0
Roof Cover	ASPHALT SHINGL	**Wall Type**	Plaster	**X Fixture Bath**	0	**5 Fixture Bath**		0

Corrective Deed
Susan Hawthorne was to sign next to grantor Travis Houman. He was to sign at grantee to keep him on the deed he did not these are the reasons for this corrective Deed.

PREPARED BY:
Kathleen Stranger
441 Leslie Drive
Port Orange, FL 32127

02/20/2013 10:33 AM
Doc stamps .70
(Transfer Amt $ 10)
Instrument# 2013-033948 # 1
Book: 6821
Page: 1376

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:
Susan Hawthorne
101 Cambridge Drive
Port Orange, FL 32127
MAIL TAX STATEMENTS TO:
Susan Hawthorne
101 Cambridge Drive
Port Orange, FL 32127
SPACE ABOVE THIS LINE FOR RECORDER'S ONLY

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS THAT:

THIS QUITCLAIM DEED, made and entered into on the 7 day Of February, 2013, between Travis Houman, a single person, whose address is 101 Cambridge Drive, Port Orange, Florida 32127, and Susan Hawthorne, a single person, whose address is 101 Cambridge Drive, Port Orange, Florida 32127("Grantors"), and Lindsey Matthews, a married person, whose address is 191 Ledford Road Lot 6, Cairo, Georgia 39828, and Travis Houman, a single person, whose is 101 Cambridge Drive, Port Orange, Florida 32127 ("Grantees"). Susan Hawthorne, a single person, whose address is 101 Cambridge Drive, Port Orange, Florida 32127 ("Grantees"). For and in consideration of the sum of $10.00, the receipt and sufficiency of which is hereby acknowledged, Grantors hereby remise, release, AND FOREVER Quitclaim to Grantees, as Joint Tenants with Right to Survivorship, the property located in Volusia County, Florida, described as:

Lot 1 Cambridge Sub Unit 1 Block House

Prior instrument reference: Quitclaim Deed, Volume/Book 6790, Page 3839*, Document No. quickclaimeddeed, of the recorder of Volusia, Florida, recorded Wednesday, December 5, 2012.

SUBJECT TO all, if any, valid easements, rights of way, covenants, conditions, reservations and restrictions of record.

EXPRESSLY RESERVING unto the Grantors and the Grantors assign a life estate in the above described property. The Grantors shall have full ownership, possession and use of the property, as well as rents, revenues, and profits generated by the property during the term of the Grantors' natural life, and upon the expiration of the Grantors' natural life, the Grantors' interest in the above described property shall revert to the Grantees'.

Grantors' grant all of the Grantors' rights, title and interest in and to all of the above described property and premises to the Grantees' and to the Grantees' heirs and assigns forever in fee simple, so that neither Grantors' nor Grantors' heirs legal representatives or assigns shall have. Claim, or demand any right or tittle to the property, premises, or appurtenances, or any part thereof.

Tax/Parcel ID Number: 6321-01-01-0010

IN WITNESS WHEREOF the Grantors have executed this deed on the 7 day of February, 2013.

02-7-13 Travis Houman
Date Travis Houman, Grantor

02-7-1313 Susan Hawthorne
Date Susan Hawthorne, Grantor

02-7-13 Travis Houman
Date Travis Houman, Grantee
101 Cambridge Dr.
Port Orange, FL 32127

02-7-2013 Susan Hawthorne
Date Susan Hawthorne, Grantee
101 Cambridge Dr.
Port Orange, FL 32127

2/7/2013 Lindsey Matthews
Date Lindsey Matthews, Grantee
191 Ledford Road Lot 6
Cairo, GA 39828

Instrument# 2013-033948 # 3
Book: 6821
Page: 1378
Diane M. Matousek
Volusia County, Clerk of Court

02-07-13 Rose Wittmann
Date Rose Wittmann, Witness

02-7-13 Kayla Ponce
Date Kayla Ponce, Witness

STATE OF Florida COUNTY OF Volusia
The foregoing instrument was acknowledged before me this the 7 day of
February, 2013 by Rose Wittmann Kayla Ponce
Who is personally known to me or has produced DL.
As identification and who did/did not take an oath.

Kathleen H. Stanger Signature of Notary/Deputy Clerk

Kathleen H. Stanger Printed name of Notary/Deputy Clerk

My Commission expires:

KATHLEEN H. STANGER
Notary Public - State of Florida
My Comm. Expires Nov 21, 2014
Commission # EE 44050

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* that does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that 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.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 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 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 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*.

[P] 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*.

SECTION 503
TOILET ROOMS

[P] 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.

[P] 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.

[P] 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.

[P] 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.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. 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. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

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

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

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

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

SECTION 506
SANITARY DRAINAGE SYSTEM

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

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

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

SECTION 507
STORM DRAINAGE

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

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* that 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, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

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 minimum temperature of 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 minimum temperature of 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. 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. Fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

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

603.3 Clearances. Required clearances to combustible materials shall be maintained.

603.4 Safety controls. 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.

Recorded in the Public Records:
Instrument # 2016 021 356 2-04-16 @ 3:24 p.m.
Book: 7214 Page: 1973

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1809

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

TRAVIS HOUMAN
SUSAN HAWTHORNE
101 CAMBRIDGE DRIVE
PORT ORANGE FL 32127
PARCEL ID: 6321-01-01-0010

AND

LINDSEY MATTHEWS
191 LEDFORD ROAD, LOT 6
CAIRO, GA 39828

Respondents.

_____/

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 January 27, 2016, after due notice to the Respondents, 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, TRAVIS HOUMAN AND SUSAN HAWTHORNE, whose mailing address is 101 Cambridge Drive, Port Orange, FL 32127, and LINDSEY MATTHEWS, whose mailing address is 191 Ledford Road, Lot 6, Cairo, GA 39828, are the owners of the property located at 101 Cambridge Drive, Port Orange, FL 32127, and more particularly described as:

LOT 1 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 5095 PG 0299 PER OR 5795 PG 4076 PER OR 5804 PGS 4359-4360 PER OR 6199 PGS 4435-4436 PER OR 6206 PGS 4977-4978 PER OR 6790 PGS 3839-3840 PER OR 6821 PG 1376

B. The property is without proper plumbing and electrical hookups. This condition was first observed at the real property described above on October 26, 2015; re-inspections made on January 18, 2016 and January 25, 2016 confirmed the condition as being the same. Respondents received notice via

certified mail on December 18, 2015 and January 16, 2016, posting on the property on December 17, 2015, and posting at City Hall on December 18, 2015, that the aforesaid conditions constituted a violation of Chapter 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System and Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 604.1 Electrical Facilities, and was to be corrected by January 15, 2016.

C. At the time of the hearing on January 27, 2016, the violations cited above: [X] 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:

Respondents by reason of the foregoing, have violated Chapter 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System and Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 604.1 Electrical Facilities, in that the Respondents failed, on or before the date set in the notice of violation, to remedy the conditions of failure to have proper plumbing and electrical hookups 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 this ORDER on or before February 9, 2016. In the event that the property is not brought into compliance on or before February 9, 2016, and/or not maintained in a state of compliance, a daily fine of $250.00 per day will be assessed for each day the property is in violation beyond February 9, 2016. If paragraph D. above is checked and the Respondents have not abated the condition by February 9, 2016, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondents 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 $20.85 as indicated on the cost sheet submitted into evidence. The Respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(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 4 day of February, 2016.

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.

T. Scott Allman
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 Respondents, Travis Houman & Susan Hawthorne, 101 Cambridge Drive, Port Orange, FL 32127, and Lindsey Matthews, 191 Ledford Road, Lot 6, Cairo, GA 39828 by Certified and Regular Mail this 4 day of February, 2016.

Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1946

Name	Activity	Activity_Date	Status	Cost
Judith A. Vitali EST	Mailing Notice of Violation/Notice of Hearing to 1237 Mellisa Drive, Port Orange, FL 32129	12/21/2015	Returned unclaimed	$6.73
Judith A. Vitali EST	Mailing Finding of Fact/Conclusion of Law & Order to 1237 Mellisa Drive, Port Orange, FL 32129	01/27/2016	Returned unclaimed	$7.21
Judith A. Vitali EST	Recording fee - Finding of Fact/Conclusion of Law & Order	01/27/2016	BK: 7214 PG: 3501	$27.00
Clerk of Court	Recording Fee - Order Imposing Fine/Lien	03/09/2016		$18.50
Judith A. Vitali EST	Mailing Order Imposing Fine/Lien	03/09/2016		$0.48

Total: $59.92

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1946

To: Judith A. Vitali EST
Property Owner
1237 Mellisa Drive
Port Orange, FL 32129

Re: 1237 Mellisa Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-1230
LEGAL DESCRIPTION: LOT 123 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4010 PG 0807 PER D/C 6486 PG 0606

Volusia County Public Records
Volusia County, FL

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

> ***Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.

A complaint was received from a concerned resident on November 23, 2015 regarding a tree that has been rotten for years that has fallen on the property. I performed an inspection on this date and found a small tree, approximately 8 feet high that has died and all of the branches are scattered around the property. I left a 10 day door hanger asking that the tree and the debris on the ground be removed from the property.

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

THIS CORRESPONDENCE WILL SERVE AS OFFICIAL NOTIFICATION THAT THE ABOVE STATED VIOLATION(S) MUST BE CORRECTED BY **DECEMBER 28, 2015 BY REMOVING THE TREE AND ALL FALLEN DEBRIS.**

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

ursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on January 27, 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 **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 **January 27, 2016** 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 EARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on March 9, 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 18th day of December, 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 JUDITH A VITALI, EST, PROPERTY OWNER PER VOLUSIA COUNTY TAX ROLL, 1237 MELLISA DRIVE, PORT ORANGE, FL 32129 was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 18th day of December, 2015.

Time: approx. 10:25 am

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 JUDITH A VITALI, EST, PROPERTY OWNER PER VOLUSIA COUNTY TAX ROLL, 1237 MELLISA DRIVE, PORT ORANGE, FL 32129, was

☐ Posted at City Hall
☐ Sent via certified

this 21 day of December, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6307-03-00-1230 2016 Working Tax Roll Last Updated: 12-13-2015

Owner Name and Address

Alternate Key	3594932	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6307-03-00-1230	**Mill Group**	402 Port Orange
Full Parcel ID	07-16-33-03-00-1230	**2015 Final Mill Rate**	20.86510
Created Date	30 DEC 1981		
Property Class	01 Single Family		
Ownership Type		**Ownership Percent**	100
Owner Name	VITALI JUDITH A EST		
Owner Name/Address 1			
Owner Address 2	1237 MELLISA DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-7434		
Situs Address	1237 MELLISA DR PORT ORANGE 32129		

Legal Description

LOT 123 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4010 PG 0807 PER D/C 6486 PG 0606

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4010	0807	05/1995	Warranty Deed	Qualified Sale	Yes	75,900
2570	0903	05/1984	Warranty Deed	Qualified Sale	Yes	58,900
2292	0215	08/1981	Warranty Deed	Unqualified Sale	No	1,271,800

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	16,553	87,782	90	104,425	104,425	101,378	0	104,425	0	101,378
2014	16,553	74,913	696	92,162	92,162	92,162	0	92,162	0	92,162

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	90.0	115.0	90.00	FRONT FEET	190.00	97	100	100	100	16,553
Neighborhood	5868 WILLOW RUN UNITS 1 TO 7 INC									**Total Land Classified**	0
										Total Land Just	16,553

Building Characteristics

Building Number: 112442 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
112442	Single Family	180	1984	300		20%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	2	**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	1984	N	0%	0%	1208 Sq. Feet
002	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1984	N	0%	0%	240 Sq. Feet
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1984	N	0%	0%	40 Sq. Feet
004	Finished Garage (FGR)	Non-Applicable	1.0	1984	N	0%	0%	525 Sq. Feet

6.00
531.30

This Warranty Deed

06/02/1995 11:04
Doc stamps 531.30
(Transfer Amt $ 75900)
Instrument # 95078027
Book: 4010
Page: 807
Diane M. Matousek
Volusia County, Clerk of Court

Made this 18th day of May A.D. 1995
by
Joseph W. Burkhard and Lois M. Burkhard, His Wife

hereinafter called the grantor, to
Charles J. Vitali and Judith A. Vitali, Husband and Wife

whose post office address is:
1237 Melissa Drive
Port Orange, Florida 32119

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 123, Willow Run Subdivision, Unit 2, as recorded in Map Book 36, Pages 16, 17 and 18, of the Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6307-03-00-1230

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 19 94

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: Cecily Ondik
Name & Address: Joseph W. Burkhard LS

Name: Candace Sargent
Name & Address: Lois M. Burkhard LS

Name: LS
Name & Address:

Name: LS
Name & Address:

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 18th day of May, 19 95, by
Joseph W. Burkhard and Lois M. Burkhard, his wife

who is personally known to me or who has produced as identification.

PREPARED BY: J. Ondik
RECORD & RETURN TO:
Columbia Title Services Inc.
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
File No: 95-0621

Print Name: Cecily Ondik
Notary Public
My Commission Expires:

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
CECILY ONDIK
COMMISSION NUMBER
CC413777
MY COMMISSION EXP.
OCT. 31,1998

078027

WD-1
5/93

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)

Recorded in the Public Records:
Instrument # 2016 021 912 2-05-16 @ 11:49 a.m.
Book: 7214 Page: 3501

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1946

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH A. VITALI EST
1237 MELLISA DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6307-03-00-1230

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 January 27, 2016, 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), Judith A. Vitali EST, whose mailing address is 1237 Mellisa Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 1237 Mellisa Drive, Port Orange, FL 32129, and more particularly described as:

LOT 123 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4010 PG 0807 PER D/C 6486 PG 0606

B. The property contains garbage, junk and undergrowth, specifically a dead tree and fallen debris. This condition was first observed at the real property described above on November 23, 2015; re-inspections made on December 29, 2015 and January 26, 2016 confirmed the condition as being the same. Respondent, Judith A. Vitali EST, received notice via certified mail on December 21, 2015, posting on the property on December 18, 2015, and posting at City Hall on December 21, 2015, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d)) Maintenance of Improved Residential Lots and 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, and was to be corrected by December 28, 2015.

C. At the time of the hearing on DATE, the violations cited above: **[X]** continue to exist, or [___] remained noncompliant until _____ [Date].

D. **[X]** 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), Judith A. Vitali EST, by reason of the foregoing, has/have violated Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d)) Maintenance of Improved Residential Lots and 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, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the property containing garbage, junk and undergrowth, specifically a dead tree and fallen 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 ORDER on or before February 7, 2016. In the event that the property is not brought into compliance on or before February 7, 2016, and/or not maintained in a state of compliance, a daily fine of $100.00 per day will be assessed for each day the property is in violation beyond February 7, 2016. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by February 7, 2016, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is $40.94 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 4th day of February, 2016.

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), Judith A. Vitali EST, 1237 Mellisa Drive, Port Orange, FL 32129 by Certified and Regular Mail this 5 day of February, 2016.

Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-1959

Name	Activity	Activity_Date	Status	Cost
Basil Jaisingh	Mailing Notice of Violation/Notice of Hearing to 153 Deskin Drive, Port Orange, FL 32129	12/28/2015	Green card signed 1/11/16	$6.95
Basil Jaisingh	Mailing Finding of Fact, Conclusion of Law & Order to 153 Deskin Drive, Port Orange, FL 32129	01/27/2016	Green card signed 2/9/16	$6.95
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law, & Order	01/27/2016	BK: 7214 PG: 3331	$27.00
Clerk of Court	Recording Fee Order Imposing Fine/Lien	03/09/2016		$18.50
Basil Jaisingh	Mailing Order Imposing Fine/Lien to 153 Deskin Drive, Port orange, FL 32129	03/09/2016		$0.48

Total: $59.88

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1959

To:
Basil Jaisingh
153 Deskin Drive
Port Orange, FL 32129

Re: 5160 Ridgewood Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-14-0010
LEGAL DESCRIPTION: LOTS 1 & 21 BLK 14 ALLANDALE PER OR 4604 PG 2575

Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 24, 2015, indicates that certain violation(s) of the City of Port Orange Code xists. 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 (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 with 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.*

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (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.*

City of Port Orange Code of Ordinances, Chapter 42, 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 November 25, 2015, I observed the condition of this property as being in violation. There was trash and debris located in different areas, outside storage in front of almost every apartment unit and in the grass, a boat parked in the front yard of the apartments along with makeshift storage areas. Grass and weeds are overgrown. There are several different items in the dirt pit where 2 bulldogs are sometimes kept on chains. I spoke with a male residents who states he is the manager/maintenance person for the owner and advised him that all of the grass and weeds needs to be mowed and removed, all trash and debris removed from premises, all outside storage such as boxes, tools, boat, etc., be properly stored out of sight from the public right of way or adjacent property, and items cleaned up from dog area. I gave him two weeks to comply. A reinspection on December 21, 2015, showed no compliance.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **January 6, 2016.**

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 January 27, 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 **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 **January 27, 2016** 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 **March 9, 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 23rd day of December, 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 Basil Jaisingh, 153 Deskin Dr., Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:55 pm

this 23rd day of December, 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 Basil Jaisingh, 153 Deskin Dr., Port Orange, FL 32129, was

☐ Posted at City Hall

☐ Sent via certified

this 28 day of December 2015.

Renee Lutsey

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

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

Volusia County FLORIDA

Volusia County Property Appraiser

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

Parcel Information: 6310-07-14-0010 2016 Working Tax Roll Last Updated: 12-20-2015

Owner Name and Address

Alternate Key	3609263	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6310-07-14-0010	**Mill Group**	402 Port Orange
Full Parcel ID	10-16-33-07-14-0010	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	03 Multi Family - 10 units or more		
Ownership Type		**Ownership Percent**	100
Owner Name	JAISINGH BASIL		
Owner Name/Address 1			
Owner Address 2	153 DESKIN DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119		
Situs Address	5160 RIDGEWOOD AV PORT ORANGE 32127		

Legal Description

LOTS 1 & 21 BLK 14 ALLANDALE PER OR 4604 PG 2575

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4781	3490	11/2001	Warranty Deed	Qualified Sale	Yes	152,000
4604	2575	10/2000	Quit Claim Deed	Unqualified Sale	Yes	100
4453	0089	06/1999	Warranty Deed	Qualified Sale	Yes	134,500
4423	1262	03/1999	Quit Claim Deed	Affiliated Parties	Yes	10
4202	2085	05/1997	Warranty Deed	Qualified Sale	Yes	107,000

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	39,000	116,338	0	155,338	155,338	155,338	0	155,338	0	155,338
2014	45,500	109,550	0	155,050	155,050	155,050	0	155,050	0	155,050

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	50.0	210.0	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: 113838 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113838	Commercial	Concrete or Masonry	350	1962	300	42%	0%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	10.00	1	1962	0.00	3127	Apartment, Average (03C)	100.00	No	Yes
002	10.00	1	1962	0.00	258	Porch, Open Finished (FOP)	0.00	No	No
003	10.00	1	1962	0.00	52	Porch, Open Finished (FOP)	0.00	No	No

Exterior Wall Type	Area%
44 Concrete Block, Stucco	100%

Building Refinements

Description	Number of Units	Unit Type
RES. UNIT	6	UB
Extra Fixture	6	UB
Baths, 3-Fixture	6	UB

12/04/2001 13:55
Doc stamps 1064.00
(Transfer Amt $ 152000)
Instrument # 2001-258344
Book: 4781
Page: 3490
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6310-07-14-0010
Grantee #1 TIN:

Warranty Deed

This Indenture, Made this 30th day of November, 2001 A.D., **Between** Volusia MJM, Ltd., a Florida limited partnership

of the County of Volusia, State of Florida, **grantor,** and Basil Jaisingh,

whose address is: 153 Deskin Drive, Port Orange, Florida 32119

, **grantee.**

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

Lots 1 and 21, Block 14, MAP OF ALLANDALE, according to the plat thereof as recorded in Map Book 4, page 146, of the Public Records of Volusia County, Florida.

Subject to taxes for the year 2002 and subsequent years which are not yet due and payable.

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

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

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

Signed, sealed and delivered in our presence:

Volusia MJM, Ltd, a Florida limited partnership
By: Real Volusia, Inc., a Florida corporation

Jeffrey C. Sweet
Witness

By: _____ (Seal)
Lonnie Marandino, President
P.O. Address 449 Palm Avenue, Ormond Beach, FL 32174

Katherine E. Phillips
Witness

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 30th day of November, 2001 by Lonnie Marandino, President of Real Volusia, Inc., a Florida corporation and a general partner of Volusia MJM, Ltd., a Florida limited partnership, on behalf of the corporation and the partnership,
who is personally known to me.

This Document Prepared By:
JEFFREY C. SWEET, ESQ.
595 W. GRANADA BLVD. SUITE A
ORMOND BEACH, FL 32174

Katherine E. Phillips
NOTARY PUBLIC
My Commission Expires:

Katherine E. Phillips
MY COMMISSION # CC998070 EXPIRES
January 31, 2005
BONDED THRU TROY FAIN INSURANCE, 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) *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

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: 15-1959

Basil Jaisingh
153 Deskin Dr.
Port Orange, FL 32129,

Respondent.

Property Address: 5160 Ridgewood Ave., Port Orange, FL
Parcel ID: 6310-07-14-0010

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 5160 Ridgewood Ave., Port Orange, Florida 32127, is owned by Basil Jaisingh.

4. That 5160 Ridgewood 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 5160 Ridgewood Ave., Port Orange, Florida 32127, at 12:55 p.m. on the 23rd day of December, 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 23rd day of December, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was sworn to before me on the 23 day of December, 2015, by Deborah Faircloth, who is personally known to me.

Notary Public, State of Florida

Commission No.

CATHERINE CAMPBELL
Notary Public - State of Florida
My Comm. Expires Aug 22, 2017
Commission # FF 047934
Bonded Through National Notary Assn.

Recorded in the Public Records:
Instrument # 2016 021 857 2-05-16 @ 11:16 a.m.
Book: 7214 Page: 3331

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1959

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

BASIL JAISINGH
5160 RIDGEWOOD AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6310-07-14-0010

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 January 27, 2016, 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), Basil Jaisingh, whose mailing address is 153 Deskin Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 5160 Ridgewood Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 1 & 21 BLK 14 ALLANDALE PER OR 4604 PG 2575

B. The property contains garbage, waste, trash, etc., along with outside storage. This condition was first observed at the real property described above on November 24, 2015; re-inspections made on January 7, 2016 and January 25, 2016 confirmed the condition as being the same. Respondent, Basil Jaisingh, received notice via certified mail on December 28, 2015, posting on the property on December 23, 2015, and posting at City Hall on December 28, 2015, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (c) Maintenance of commercial and industrial zoned lots, City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (f) Garbage, waste, trash, etc., prohibited, and City of Port Orange Code of Ordinances, Chapter 42, Section 42-32. Storage of vehicles, furniture, etc., and was to be corrected by January 6, 2016.

C. At the time of the hearing on January 27, 2016, the violations cited above: [__] continue to exist, or [X] remained noncompliant until approximately January 26, 2016.

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), Basil Jaisingh, by reason of the foregoing, has/have violated City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (c) Maintenance of commercial and industrial zoned lots, City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (f) Garbage, waste, trash, etc., prohibited, and City of Port Orange Code of Ordinances, Chapter 42, Section 42-32. Storage of vehicles, furniture, etc., in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the property containing garbage, waste, trash, etc., along with outside storage is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent failed to correct the violation pursuant to the Notice of Violation; therefore, the Respondent is found in violation of the aforementioned City Code and any subsequent violations will be treated as repeat violations. Since the Respondent corrected the aforesaid violation prior to the date of the hearing; no fine is awarded. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is $40.90 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 4 day of February, 2016.

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), Basil Jaisingh, 153 Deskin Drive, Port Orange, FL 32129 by Certified and Regular Mail this 5 day of February, 2016.

Secretary, Code Enforcement Special Magistrate