



**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE**  
**CITY OF PORT ORANGE**

**Meeting Date:** Wednesday, June 14, 2023

**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 - May 24, 2023

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

3. **CEB Case No.:** 22-1374

**Respondent:** Lauren Sanso

Bank of England/Lender

Heritage Insurance

Nationstar Mortgage LLC dba Mr. Cooper

Nationstar Mortgage LLC/Mr. Copper/Corelogic

Nationstar MTG LLC dba Mr. Cooper

All Unknown Occupants/Tenants

**Address of Violation:** 826 Sugar House Boulevard, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 10/2/2022

Compliance: No

**Cited for violation(s)** - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises.

4. **CEB Case No.:** 22-1393

**Respondent:** James V. Kloos

Itala M. Kloos

Mr. Cooper

Nationstar Mortgage LLC

Nationstar Mortgage LLC/Mr. Cooper

Federal National Mortgage Association

Bank of America, NA  
Nationstar MTG LLC  
All Unknown Occupants/Tenants

**Address of Violation:** 828 Sugar House Boulevard, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 4/24/2023

Compliance: No

**Cited for violation(s)** - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances

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

Chapter 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.

5. **CEB Case No.:** 22-1394

**Respondent:** Fair Value Homebuyers, LLC

Fair Value Homebuyers, LLC c/o: Paul Anesevice

Fair Value Homebuyers, LLC c/o: United States Corporation Agents, Inc.

Fair Value Homebuyers, LLC c/o: Delaware Business Incorporators, Inc.

Flagler Insurance

Maria Coroneos

All Unknown Tenants/Occupants

**Address of Violation:** 830 Sugar House Boulevard, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 4/24/2023

Compliance: No

**Cited for violation(s)** - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as

adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances

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

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

6. **CEB Case No.:** 22-1377

**Respondent:** Marlene Prouty Estate

Marlene Prouty

Vincent Prouty

PNC Mortgage

Cardinal Financial Company

Universal Property & Casualty Insurance Company c/o: Vetra Harrison

All Unknown Occupants/Tenants

**Address of Violation:** 832 Sugar House Boulevard, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 4/24/2023

Compliance: No

**Cited for violation(s)** - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances

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

(Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 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.

7. **CEB Case No.:** 23-071

**Respondent:** Christal L. Caso

**Address of Violation:** 437 Greenleaf Square, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 1/17/2023

Compliance: No

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

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (a),(c), (1), (3), (f).

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4), (5).

2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

8. **CEB Case No.:** 23-0373

**Respondent:** Stephen Stewart

**Address of Violation:** 717 Dove Avenue, Port Orange, FL 32129

**Code Officer:** Bailey Hornbuckle

**First Notified:** 3/27/2023

Compliance: No

**Cited for violation(s)** - Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances.

### **C. ORDER IMPOSING FINE/LIEN**

**9. CEB Case No.:** 23-0078

**Respondent:** Patsy J. Richardson

**Address of Violation:** 3633 S. Peninsula Drive, Port Orange, FL 32127

**Code Officer:** Dennis Boehmer, Jr.

**First Notified:** 1/19/2023

Compliance: No

**Cited for violation(s)** - City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article III (Sanitary Conditions), Sec. 42-59 (Location of vehicles used for human occupancy)

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

Chapter 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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

### **D. ADJOURNMENT**

**NOTICES** — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**, IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

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UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

CODE ENFORCEMENT SPECIAL MAGISTRATE  
MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
MAY 24, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Enforcement Officer  
Amanda Bonin, Code Enforcement Manager  
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officer Scott Allman was sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

*Special Magistrate Fuller dispensed with the overview of the code enforcement process as there were no members of the public present.*

2. Consideration of Minutes - May 10, 2023

*Special Magistrate Fuller approved the May 10, 2023 meeting minutes as presented.*

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0373  
**Respondent:** Stephen Stewart  
**Address of Violation:** 717 Dove Avenue, Port Orange, FL 32129  
**Code Officer:** Bailey Hornbuckle  
**First Notified:** 3/27/2023

Compliance: No

**Cited for violation(s)** - Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances.

*Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a continuation of the case until June 14, 2023. Special Magistrate Fuller granted the continuation request.*

4. **CEB Case No.:** 23-0335

**Respondent:** Hung Minh Nguyen

**Address of Violation:** 101 Sand Pebble Circle, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 3/16/2023

Compliance: Yes

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

*Mr. Allman requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.*

ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 23-223

**Respondent:** Gil Lichtenstein

**Address of Violation:** 907 Second Street, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 2/21/2023

Compliance: No

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

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

*Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance immediately, as ordered in the previous hearing on April 12, 2023 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning March 1, 2023 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Pete Scapes, who abated the violation(s) at the cost of \$372.75. A cost sheet for mailing and recording costs in the amount of \$101.60 was tendered and submitted into evidence without objection.*

*Mr. Allman noted that the city vendor Arrow Towing has towed the vehicle at the owner's expense, which was previously deemed a health and safety concern.*



*Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning March 1, 2023 for each and every day the violation exists, abatement costs of \$372.75 and mailing and recording costs to date of \$101.60. A lien in the amount of \$474.35 shall be imposed.*

6. **CEB Case No.:** 23-261

**Respondent:** Gil Lichtenstein

**Address of Violation:** 907 Second Street, Port Orange, FL 32129

**Code Officer:** Scott Allman

**First Notified:** 2/21/2023

Compliance: No

**Cited for violation(s)** - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

*Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance by April 26, 2023, as ordered in the previous hearing on April 12, 2023 by the Special Magistrate. The City retained vendor Pete Scapes, who abated the violation(s) at the cost of \$372.75. A cost sheet for mailing and recording costs in the amount of \$101.60 was tendered and submitted into evidence without objection.*

*Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of \$372.75 and mailing and recording costs to date of \$101.60. A lien in the amount of \$474.35 shall be imposed.*

7. **CEB Case No.:** 23-273

**Respondent:** Adam Baxter

**Address of Violation:** 1211 Vagabond Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 2/27/2023

Compliance: No

**Cited for violation(s)** - Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.3 Supply.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities),

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604.1 (Facilities Required), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4), (5).

*Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance by May 10, 2023, as ordered in the previous hearing on April 12, 2023 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning May 11, 2023 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$92.90 was tendered and submitted into evidence without objection.*

*Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning May 11, 2023 for each and every day the violation exists and mailing and recording costs to date of \$92.90. A lien in the amount of \$92.90 shall be imposed.*

ADJOURNMENT – 9:22 a.m.

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Special Magistrate David Fuller

**Case Cost Sheet Log****Case No. 22-1374**

| Name                                          | Activity                                                | Activity_Date | Status                                           | Cost     |
|-----------------------------------------------|---------------------------------------------------------|---------------|--------------------------------------------------|----------|
| Lauren Sanso                                  | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Unclaimed/Unable to forward            | \$9.18   |
| Lauren Sanso                                  | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                         | \$0.00   |
| Lauren Sanso -492 Wiltshire Blvd              | Cost of mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                         | \$9.18   |
| Lauren Sanso -492 Wiltshire Blvd              | Cost to mail Affidavit of building official             | 05/01/2023    | Certified Illegible/Unable to forward            | \$0.00   |
| Bank of England/Lender                        | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Insufficient Address/Unable to forward | \$9.18   |
| Bank of England / Lender                      | Cost to mail Affidavit of building official             | 05/01/2023    |                                                  | \$0.00   |
| Heritage Insurance                            | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                         | \$9.18   |
| Heritage Insurance                            | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                         | \$0.00   |
| Nationstar Mortgage LLC                       | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                         | \$9.18   |
| Nationstar Mortgage LLC                       | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                         | \$0.00   |
| Nationstar Mortgage LLC/Mr. Copper/Corelogic  | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed Mr. Cordell             | \$9.18   |
| Nationstar Mortgage LLC/ Mr. Cooper/Corelogic | Cost to mail Affidavit of building official             | 05/01/2023    |                                                  | \$0.00   |
| Nationstar MTG LLC                            | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                         | \$9.18   |
| Nationstar MTG LLC                            | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                         | \$0.00   |
| All Unknown Occupants/Tenants                 | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Unclaimed/Unable to forward            | \$9.18   |
| All Unknown Occupants/Tenants                 | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                         | \$0.00   |
| 826 Sugar House                               | Legal Ad Publication                                    | 05/10/2023    |                                                  | \$618.79 |

|                                               |                                |            |  |          |
|-----------------------------------------------|--------------------------------|------------|--|----------|
| 826 Sugar House                               | Legal Ad Publication           | 05/17/2023 |  | \$618.79 |
| 826 Sugar House                               | Legal Ad Publication           | 05/24/2023 |  | \$618.79 |
| 826 Sugar House                               | Legal Ad Publication           | 05/31/2023 |  | \$618.79 |
| Clerk of Court                                | Cost to record Finding of Fact | 06/14/2023 |  | \$34.25  |
| Lauren Sanso                                  | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| Lauren Sanso -492 Wiltshire Blvd              | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| Bank of England / Lender                      | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| Heritage Insurance                            | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| Nationstar Mortgage LLC                       | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| Nationstar Mortgage LLC/ Mr. Cooper/Corelogic | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| Nationstar MTG LLC                            | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |
| All Unknown Occupants/Tenants                 | Cost to Mail Finding of Fact   | 06/14/2023 |  | \$8.70   |

Total: \$2652.45



**NOTICE OF VIOLATION PRESENTING A SERIOUS THREAT TO THE PUBLIC,  
HEALTH, SAFETY, AND WELFARE AND/OR IS IRREPARABLE OR  
IRREVERSIBLE IN NATURE**

**AND  
NOTICE OF HEARINGS**

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**CITY OF PORT ORANGE, FLORIDA**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 22-1374

To:

Lauren Sanso  
Property Owner  
826 Sugar House Boulevard  
Port Orange, FL 32129

Lauren Sanso  
492 Wiltshire Blvd  
Port Orange, FL 32127

CC:

Bank of England  
Lender  
Attn: Final Document Department  
5 Statehouse Plaza, #500  
Little Rock, AR 72201

Heritage Insurance  
Attn: Claims Department  
1401 N. Westshore Boulevard  
Tampa, FL 33607

Nationstar Mortgage LLC  
DBA Mr. Cooper  
P.O. Box 619092  
Dallas, TX 75261-9947

Nationstar Mortgage LLC/Mr. Copper/Corelogic  
P.O. Box 9202  
Coppell, TX 75019

Nationstar MTG LLC  
DBA Mr. Cooper (CL-0012322)  
3001 Hackberry  
Irving, TX 75063

All Unknown Occupants/Tenants  
826 Sugar House Boulevard  
Port Orange, FL 32129

Re: 826 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0070

LEGAL DESCRIPTION: LOT 7 SUGAR FOREST PHASE I PER OR 5109 PG 3220 PER OR 7364 PG 4260

Volusia County Public Records  
Volusia County, FL

This property has been deemed an unsafe structure by the Building Official Allan Tischler.  
The relief sought is demolition of the unsafe structure, departure of all occupants, and cleanup of property. A demolition permit will need to be obtained.

The structure was substantially damaged by a fire. The determination of the building official is that the unit/building is damaged, dangerous, structurally unsafe and uninhabitable. The Affidavit of the Building Official is attached hereto and hereby incorporated herein.

An inspection of the premises on October 2, 2022, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by the following dates and by doing the following:

- 1) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants that are residing inside the structure are to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact.
- 2) All trash, debris, junk, and outside items must be removed from the property no later than **May 3, 2023**.
- 3) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure will need to be applied for no later than **May 5, 2023**. The permit must also be obtained, to include payment of all associated fees and the demolition completed, no later than **June 5, 2023**. Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

**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 day per violation if the special magistrate finds the violation to present an imminent threat to the public, health, safety or welfare and/or be irreparable or irreversible in nature.**

**Failure to comply after this date may also result in an order vacating the property and requiring the property owner to, or permitting the city to, enter the property, remove all trash, debris, and items, secure, repair and/or demolish the structure(s) on the property with any and all costs therefore being assessed against the property and constituting a lien thereon. At the hearing, the City may seek the right but not the obligation to act if the property owner fails to act and, in addition to the fines above, the City shall seek reimbursement of any and all costs and other amounts incurred by the City to remedy any of the violations below or related thereto. Said amounts may be assessed against the property and constitute a lien thereon.**

If the violation is corrected and then recurs, or if the violation is not corrected by the above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance.

Briefly stated, the following conditions exist which cause the structure to be unsafe and the property in violation of the following:

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1 Unsafe conditions.** 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.1 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.3 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.5 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 as follows shall be considered to be 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.

**Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 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.

**Chapter 3 General Requirements, Section 305 Interior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 305.1 General** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in 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.

**Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances:**

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
  - (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
  - (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
  - (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
  - (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
  - (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
- (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

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

**Chapter 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.



The City has authority to act under the following emergency measures and the City will request that the Special Magistrate order compliance with the following:

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 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 reference codes and standards set forth in section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility.

**Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent Danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.7.1 Placard Removal** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.8 Prohibited Occupancy** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 14, 2023, 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 above 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 Officer. 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." **THIS INCLUDES BUT IS NOT LIMITED TO ALL COSTS TO REPAIR, SECURE AND/OR DEMOLISH THE STRUCTURE.** The costs incurred to date are \$ 60.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any and all additional costs incurred including with follow-up inspections and all 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 **June 14, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 26, 2023, 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 the fine lien on the above referenced case at said PUBLIC HEARING. 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/Officer. Please govern yourself accordingly.

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

DATED this 24th day of April, 2023.

CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT OFFICER

By:   
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 Lauren Sanso  
Property Owner  
826 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:30 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

  
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 Lauren Sanso  
Property Owner  
492 Wiltshire Blvd  
Port Orange, FL 32127,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:30 Am

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: All Unknown Occupants/Tenants  
826 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:30 Am

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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 Lauren Sanso  
Property Owner  
826 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:45 Am

this 24 day of April, 2023.

Cody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing  
to Lauren Sanso  
492 Wiltshire Blvd  
Port Orange 32127  
RE: 826 Sugar House Boulevard

Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45 AM

Wody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nationstar Mortgage LLC  
DBA Mr. Cooper  
P.O. Box 619092  
Dallas, TX 75261-9947  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45 AM

Wody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nationstar Mortgage LLC  
/Mr. Copper/Corelogic  
P.O. Box 9202  
Coppell, TX 75019  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45 AM

Wody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nationstar MTG LLC  
DBA Mr. Cooper (CL-0012322)  
3001 Hackberry  
Irving, TX 75063  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45am

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Bank of England  
Lender  
Attn: Final Document Department  
5 Statehouse Plaza, #500  
Little Rock, AR 72201,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☐ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45am

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Heritage Insurance  
Attn: Claims Department  
1401 N. Westshore Boulevard  
Tampa, FL 33607,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☐ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45am

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: All Unknown Occupants/Tenants  
826 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 826 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☐ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45am

Scody  
Secretary, Special Magistrate

**RIGHT TO APPEAL**

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

**RECORD OF PROCEEDINGS**

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

**ACCOMMODATIONS**

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**, 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

**CITY OF PORT ORANGE,**

**Petitioner,**

**Vs.**

**CASE NO:22-1374**

**LAUREN SANSON**

Property Address: 826 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0070

**Respondents,**

**AFFIDAVIT OF BUILDING OFFICIAL**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Allan Tischler, Building Official for the City of Port Orange, Florida, who, after being duly sworn, deposes and says:

1. I, Allan Tischler, Building Official for the City of Port Orange, in accordance with the City of Port Orange Code of Ordinances including **Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-107 Inspections**, have personally reinspected this property (structure) on April 24, 2023.

2. I find that the structure was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable.

3. The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable and substantial likelihood that the walls or other structural members may fall or give way in the near future.

4. The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

5. The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

6. The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

7. The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.

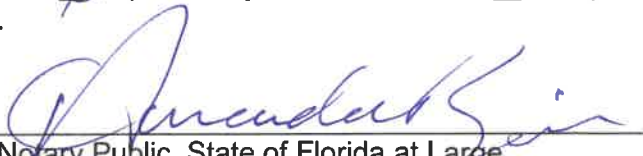
8. The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

9. It is my opinion, that the structure should be condemned and demolished.

FURTHER AFFIANT SAYETH NOT.

  
Allan Tischler, Building Official  
City of Port Orange

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24<sup>th</sup> day of April, 2023, by Allan Tischler, as the Building Official of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.

  
Notary Public, State of Florida at Large  
Printed name, commission and expiration:





**Case Cost Sheet Log****Case No. 22-1393**

| Name                               | Activity                                                | Activity_Date | Status                                                                  | Cost   |
|------------------------------------|---------------------------------------------------------|---------------|-------------------------------------------------------------------------|--------|
| James V. Kloos                     | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Unclaimed/Unable to forward                                   | \$9.42 |
| James V. Kloos                     | Cost to mail Affidavit of building official             | 05/01/2023    | Certified Illegible/Unable to forward                                   | \$0.00 |
| Itala M. Kloos                     | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Unclaimed/Unable to forward                                   | \$9.42 |
| Itala M. Kloos                     | Cost to mail Affidavit of building official             | 05/01/2023    | Certified Unclaimed/Unable to forward                                   | \$0.00 |
| Itala M. Kloos - 3644 Donna Street | Cost to mail Affidavit of building official             | 05/01/2023    | Certified Vacant/Unable to forward                                      | \$0.00 |
| Itala M. Kloos - 3644 Donna Street | Cost of mail Notice of Violation and Notice of Hearings | 04/25/2023    | 1 regular and 1Certified not Deliverable as addressed/Unable to forward | \$9.42 |
| Itala M. Kloos - P.O. Box 290134   | Cost to mail Affidavit of building official             | 05/01/2023    | Certified Unclaimed/Unable to forward                                   | \$0.00 |
| Itala M. Kloos - P.O. Box 290134   | Cost of mail Notice of Violation and Notice of Hearings | 04/25/2023    |                                                                         | \$9.42 |
| Mr. Cooper                         | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed by Jeffrey Kobow                               | \$9.42 |
| Mr. Cooper                         | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed Jeffrey Kobow                                  | \$0.00 |
| Nationstar Mortgage LLC            | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                                                | \$9.42 |
| Nationstar Mortgage LLC            | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                                                | \$0.00 |
| Nationstar Mortgage LLC/Mr. Copper | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed by Mike Cordell                                | \$9.42 |

|                                                              |                                                         |            |                                       |          |
|--------------------------------------------------------------|---------------------------------------------------------|------------|---------------------------------------|----------|
| Nationstar Mortgage LLC/ Mr. Cooper                          | Cost to mail Affidavit of building official             | 05/01/2023 | Certified receipt signed Mr. Cordell  | \$0.00   |
| Federal National Mortgage Association                        | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified receipt signed              | \$9.42   |
| Federal National Mortgage Association                        | Cost to mail Affidavit of building official             | 05/01/2023 | Certified receipt signed              | \$0.00   |
| Federal National Mortgage Association - 14221 Dallas Parkway | Cost of mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified receipt signed              | \$9.42   |
| Federal National Mortgage Association - 14221 Dallas Parkway | Cost to mail Affidavit of building official             | 05/01/2023 | Certified receipt signed              | \$0.00   |
| Bank of America, NA                                          | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 |                                       | \$9.42   |
| Bank of America, NA                                          | Cost to mail Affidavit of building official             | 05/01/2023 | Certified receipt signed              | \$0.00   |
| Nationstar MTG LLC                                           | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified receipt signed Mr. Cordell  | \$9.42   |
| Nationstar MTG LLC                                           | Cost to mail Affidavit of building official             | 05/01/2023 | Certified receipt signed Mr. Cordell  | \$0.00   |
| All Unknown Occupants/Tenants                                | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified Unclaimed/Unable to forward | \$9.42   |
| All Unknown Occupants/Tenants                                | Cost to mail Affidavit of building official             | 05/01/2023 | Certified Unclaimed/Unable to forward | \$0.00   |
| 828 Sugar House                                              | Legal Ad Publication                                    | 05/10/2023 |                                       | \$626.81 |
| 828 Sugar House                                              | Legal Ad Publication                                    | 05/17/2023 |                                       | \$626.81 |
| 828 Sugar House                                              | Legal Ad Publication                                    | 05/24/2023 |                                       | \$626.81 |
| 828 Sugar House                                              | Legal Ad Publication                                    | 05/31/2023 |                                       | \$626.81 |
| Clerk of Court                                               | Cost to record Finding of Fact                          | 06/14/2023 |                                       | \$36.25  |
| James V. Kloos                                               | Cost to mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Itala M. Kloos                                               | Cost to mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Itala M. Kloos - 3644 Donna Street                           | Cost to mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |

|                                                              |                              |            |  |        |
|--------------------------------------------------------------|------------------------------|------------|--|--------|
| Itala Kloos - P.O. Box 290134                                | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Mr. Cooper                                                   | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Nationstar Mortgage LLC                                      | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Nationstar Mortgage LLC/Mr. Cooper                           | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Federal National Mortgage Association                        | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Federal National Mortgage Association -<br>14221 Dallas Pkwy | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Bank of America, NA                                          | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| Nationstar MTG LLC                                           | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |
| All Unknown Occupants/Tenants                                | Cost to mail Finding of Fact | 06/14/2023 |  | \$8.70 |

Total: \$2760.93



**NOTICE OF VIOLATION PRESENTING A SERIOUS THREAT TO THE PUBLIC,  
HEALTH, SAFETY, AND WELFARE AND/OR IS IRREPARABLE OR  
IRREVERSIBLE IN NATURE**

**CITY OF PORT ORANGE, FLORIDA**

**CITY OF PORT ORANGE,**

**Petitioner**

**CASE NO. 22-1393**

**To:**

James V & Itala M Kloos  
Property Owners  
828 Sugar House Boulevard  
Port Orange, FL 32129

Itala M Kloos  
Property Owner  
3644 Donna Street  
Port Orange, FL 32129

Itala Kloos  
P.O. Box 290134  
Port Orange, FL 32129

**CC:**

Mr. Cooper  
Insurance Company  
800 State Highway 121 Bypass  
Louisville, TX 75067

Nationstar Mortgage LLC  
DBA Mr. Cooper,  
8950 Cypress Waters Blvd.,  
Coppell, TX 75019

Nationstar Mortgage LLC/Mr. Cooper  
CoreLogic  
P.O. Box 9202  
Coppell, TX 75019

Federal National Mortgage Association  
5600 Granite Parkway, Building VII  
Plano, TX 75024

Federal National Mortgage Association  
14221 Dallas Parkway, Suite 1000  
Dallas, TX 75254

Bank of America, NA  
275 S. Valencia Avenue  
Brea, CA 92832

Nationstar MTG LLC  
DBA Mr. Cooper (CL-0012322)  
3001 Hackberry  
Irving, TX 75063

All Unknown Occupants/Tenants  
828 Sugar House Boulevard  
Port Orange, FL 32129

Re: 828 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0080

LEGAL DESCRIPTION: LOT 8 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB 34 PG 123 PER OR  
4362 PG 3898

Volusia County Public Records  
Volusia County, FL

This property has been deemed an unsafe structure by the Building Official Allan Tischler.  
The relief sought is demolition of the unsafe structure, departure of all occupants, and cleanup of property. A demolition permit will need to be obtained.

The structure was substantially damaged by a fire. The determination of the building official is that the unit/building is damaged, dangerous, structurally unsafe and uninhabitable. The Affidavit of the Building Official is attached hereto and hereby incorporated herein.

An inspection of the premises on April 24, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by the following dates and by doing the following:

- 1) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants that are residing inside the structure are to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact.
- 2) All trash, debris, junk, and outside items must be removed from the property no later than **May 5, 2023**.
- 3) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure will need to be applied for no later than **May 7, 2023**. The permit must also be obtained, to include payment of all associated fees and the demolition completed, no later than **June 7, 2023**. Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

**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 day per violation if the special magistrate finds the violation to present an imminent threat to the public, health, safety or welfare and/or be irreparable or irreversible in nature.**

**Failure to comply after this date may also result in an order vacating the property and requiring the property owner to, or permitting the city to, enter the property, remove all trash, debris, and items, secure, repair and/or demolish the structure(s) on the property with any and all costs therefore being assessed against the property and constituting a lien thereon. At the hearing, the City may seek the right but not the obligation to act if the property owner fails to act and, in addition to the fines above, the City shall seek reimbursement of any and all costs and other amounts incurred by the City to remedy any of the violations below or related thereto. Said amounts may be assessed against the property and constitute a lien thereon.**

If the violation is corrected and then recurs, or if the violation is not corrected by the above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance.

Briefly stated, the following conditions exist which cause the structure to be unsafe and the property in violation of the following:

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1 Unsafe conditions.** 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.1 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.3 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.5 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 as follows shall be considered to be 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.

**Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 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.

**Chapter 3 General Requirements, Section 305 Interior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 305.1 General** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in 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.

**Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances:**

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
  - (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
  - (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
  - (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
  - (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
  - (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
- (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

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

**Chapter 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.

**The City has authority to act under the following emergency measures and the City will request that the Special Magistrate order compliance with the following:**

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 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 reference codes and standards set forth in section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility.

**Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent Danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.7.1 Placard Removal** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.8 Prohibited Occupancy** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

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

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 14, 2023, 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 above 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 Officer. 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." **THIS INCLUDES BUT IS NOT LIMITED TO ALL COSTS TO REPAIR, SECURE AND/OR DEMOLISH THE STRUCTURE.** The costs incurred to date are \$ 87.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any and all additional costs incurred including with follow-up inspections and all 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 **June 14, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 26, 2023, 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 the fine lien on the above referenced case at said PUBLIC HEARING. 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/Officer. Please govern yourself accordingly.

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

DATED this 24th day of April, 2023.

CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT OFFICER

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 James V & Itala M Kloos  
Property Owners  
828 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered

☒ Posted at the property

Time: approx. 10:35 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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 Itala M Kloos  
Property Owner  
3644 Donna Street  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered

☒ Posted at the property

Time: approx. 10:35 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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 Itala Kloos  
P.O. Box 290134  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered

☒ Posted at the property

Time: approx. 10:35 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: All Unknown Occupants/Tenants  
828 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered

☒ Posted at the property

Time: approx. 10:35 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

Dena Joseph  
Dena Joseph, Code Enforcement Officer

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Property Owners  
828 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00pm

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Itala M Kloos  
Property Owner  
3644 Donna Street  
Port Orange, FL 32129  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00 pm

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Itala Kloos  
P.O. Box 290134  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00 pm

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Mr. Cooper  
Insurance Company  
800 State Highway 121 Bypass  
Louisville, TX 75067,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 12:00pm

this 24 day of April, 2023.

J Cody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nationstar Mortgage LLC  
DBA Mr. Cooper,  
8950 Cypress Waters Blvd.,  
Coppell, TX 75019  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 12:00pm

this 24 day of April, 2023.

J Cody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nationstar Mortgage LLC/Mr. Cooper  
CoreLogic  
P.O. Box 9202,  
Coppell, TX 75019  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 12:00 pm

this 24 day of April, 2023.

J Cody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Federal National Mortgage Association  
5600 Granite Parkway, Building VII  
Plano, TX 75024  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00pm

Ready  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Federal National Mortgage Association  
14221 Dallas Parkway, Suite 1000  
Dallas, TX 75254  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00pm

Ready  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bank of America, NA  
275 S. Valencia Avenue  
Brea, CA 92832  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00 pm

Ready  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nationstar MTG LLC  
DBA Mr. Cooper (CL-0012322)  
3001 Hackberry  
Irving, TX 75063  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00pm

Jeady  
Secretary, Special Magistrate

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828 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 828 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 12:00pm

Jeady  
Secretary, Special Magistrate

#### **RIGHT TO APPEAL**

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

#### **RECORD OF PROCEEDINGS**

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

#### **ACCOMMODATIONS**

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**, 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.



**CITY OF PORT ORANGE,**

**Petitioner,**

**Vs.**

CASE NO:22-1393

**JAMES V & ITALA M KLOOS**

Property Address: 828 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0080

**Respondents,**

**AFFIDAVIT OF BUILDING OFFICIAL**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Allan Tischler, Building Official for the City of Port Orange, Florida, who, after being duly sworn, deposes and says:

1. I, Allan Tischler, Building Official for the City of Port Orange, in accordance with the City of Port Orange Code of Ordinances including **Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-107 Inspections**, have personally reinspected this property (structure) April 24, 2023.

2. I find that the structure was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable.

3. The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable and substantial likelihood that the walls or other structural members may fall or give way in the near future.

4. The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

5. The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

6. The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

7. The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.

8. The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

9. It is my opinion, that the structure should be condemned and demolished.

FURTHER AFFIANT SAYETH NOT.



Allan Tischler, Building Official  
City of Port Orange

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24th day of April, 2023, by Allan Tischler, as the Building Official of the City of Port Orange, Florida, and who is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.



Notary Public, State of Florida at Large  
Printed name, commission and expiration:





**Case Cost Sheet Log****Case No. 22-1394**

| Name                                                                 | Activity                                                | Activity_Date | Status                                                | Cost   |
|----------------------------------------------------------------------|---------------------------------------------------------|---------------|-------------------------------------------------------|--------|
| Fair Value Homebuyers LLC- 830 Sugar House Blvd                      | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Unclaimed/Unable to forward                 | \$9.42 |
| Fair Value Homebuyers LLC- 830 Sugar House Blvd                      | Cost to mail Affidavit of building official             | 05/01/2023    | Certified Unclaimed/Unable to forward                 | \$0.00 |
| Fair Value Homebuyers LLC- 4781 N. Congress Ave                      | Cost of mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Unclaimed/Unable to forward                 | \$9.42 |
| Fair Value Homebuyers LLC- 4781 N. Congress Ave                      | Cost to mail Affidavit of building official             | 05/01/2023    | 1 regular and 1 Certified Unclaimed/Unable to forward | \$0.00 |
| Fair Value Homebuyers LLC c/o: Paul Anesevice                        | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    |                                                       | \$9.42 |
| Fair Value Homebuyers LLC- c/o: Paul Anesevice                       | Cost to mail Affidavit of building official             | 05/01/2023    |                                                       | \$0.00 |
| Fair Value Homebuyers LLC c/o: United States Corporation Agents, Inc | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                              | \$9.42 |
| Fair Value Homebuyers LLC- c/o: United States Corporation Agents Inc | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                              | \$0.00 |
| Fair Value Homebuyers LLC c/o: Delaware Business Incorporators, Inc  | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                              | \$9.42 |
| Fair Value Homebuyers LLC- c/o: Delaware Business Incorporators, Inc | Cost to mail Affidavit of building official             | 05/01/2023    |                                                       | \$0.00 |
| Fair Value Homebuyers LLC- 156 Brigham Hill Road                     | Cost of mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                              | \$9.42 |
| Fair Value Homebuyers LLC- 156 Brigham Hill Road                     | Cost to mail Affidavit of building official             | 05/01/2023    | Certified receipt signed                              | \$0.00 |
| Flagler Insurance                                                    | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed by J.Allen                   | \$9.42 |

|                                                                      |                                                         |            |                                       |          |
|----------------------------------------------------------------------|---------------------------------------------------------|------------|---------------------------------------|----------|
| Flagler Insurance                                                    | Cost to mail Affidavit of building official             | 05/01/2023 | Certified receipt signed              | \$0.00   |
| Maria Coroneos                                                       | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified receipt signed              | \$9.42   |
| Maria Coroneos                                                       | Cost to mail Affidavit of building official             | 05/01/2023 |                                       | \$0.00   |
| All Unknown Occupants/Tenants                                        | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified Unclaimed/Unable to forward | \$9.42   |
| All Unknown Occupants/Tenants                                        | Cost to mail Affidavit of building official             | 05/01/2023 | Certified Unclaimed/Unable to forward | \$0.00   |
| 830 Sugar House                                                      | Legal Ad Publication                                    | 05/10/2023 |                                       | \$630.82 |
| 830 Sugar House                                                      | Legal Ad Publication                                    | 05/17/2023 |                                       | \$630.82 |
| 830 Sugar House                                                      | Legal Ad Publication                                    | 05/24/2023 |                                       | \$630.82 |
| 830 Sugar House                                                      | Legal Ad Publication                                    | 05/31/2023 |                                       | \$630.82 |
| Clerk of Court                                                       | Cost to record Finding of Fact                          | 06/14/2023 |                                       | \$34.25  |
| Fair Value Homebuyers LLC- 830 Sugar House Blvd                      | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Fair Value Homebuyers LLC- 4781 N. Congress Ave                      | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Fair Value Homebuyers LLC- c/o: Paul Anesevice                       | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Fair Value Homebuyers LLC- c/o: United States Corporation Agents Inc | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Fair Value Homebuyers LLC- c/o: Delaware Business Incorporators, Inc | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Fair Value Homebuyers LLC- 156 Brigham Hill Road                     | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Flagler Insurance                                                    | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| Maria Coroneos                                                       | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |
| All Unknown Occupants/Tenants                                        | Cost to Mail Finding of Fact                            | 06/14/2023 |                                       | \$8.70   |

Total: \$2720.61



**NOTICE OF VIOLATION PRESENTING A SERIOUS THREAT TO THE PUBLIC,  
HEALTH, SAFETY, AND WELFARE AND/OR IS IRREPARABLE OR  
IRREVERSIBLE IN NATURE**

**CITY OF PORT ORANGE, FLORIDA**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 22-1394

To:

Fair Value Homebuyers LLC  
830 Sugar House Boulevard  
Port Orange, FL 32129

Fair Value Homebuyers LLC  
Property Owners  
4781 N. Congress Avenue #1125  
Boynton Beach, FL 33426

Fair Value Homebuyers LLC  
Property Owners  
C/O: Paul Anesevice  
PJA Mgmt. LLC  
4521 PGA Boulevard, Suite 364  
Palm Beach Gardens, FL 33418

Fair Value Homebuyers LLC  
Property Owners  
C/O: United States Corporation Agents, Inc.  
Registered Agent  
476 Riverside Avenue  
Jacksonville, FL 32202

Fair Value Homebuyers LLC  
C/O Delaware Business Incorporators, INC.  
3422 Old Capitol TRL STE 700  
Wilmington, DE 19808

Fair Value Homebuyers, LLC  
156 Brigham Hill Rd.  
North Grafton, MA 01536

CC:

Flagler Insurance  
Corporate Office  
1091 NE Pine Island Road, Ste A  
Cape Coral, FL 33909

Maria Coroneos  
10 Spanish Pine Way  
Ormond Beach, FL 32174

All Unknown Tenants/Occupants  
830 Sugar House Boulevard  
Port Orange, FL 32129

Re: 830 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0090

LEGAL DESCRIPTION: LOT 9 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB 34 PG 123 PER OR 4545 PG 4360 PER OR 8318 PG 1017

Volusia County Public Records  
Volusia County, FL

This property has been deemed an unsafe structure by the Building Official Allan Tischler. The relief sought is demolition of the unsafe structure, departure of all occupants, and cleanup of property. A demolition permit will need to be obtained.

The structure was substantially damaged by a fire. The determination of the building official is that the unit/building is damaged, dangerous, structurally unsafe and uninhabitable. The Affidavit of the Building Official is attached hereto and hereby incorporated herein.

An inspection of the premises on April 24, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by the following dates and by doing the following:

- 1) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants that are residing inside the structure are to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact.
- 2) All trash, debris, junk, and outside items must be removed from the property no later than **May 5, 2023**.
- 3) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure will need to be applied for no later than **May 7, 2023**. The permit must also be obtained, to include payment of all associated fees and the demolition completed, no later than **June 7, 2023**. Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

**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 day per violation if the special magistrate finds the violation to present an imminent threat to the public, health, safety or welfare and/or be irreparable or irreversible in nature.**

**Failure to comply after this date may also result in an order vacating the property and requiring the property owner to, or permitting the city to, enter the property, remove all trash, debris, and items, secure, repair and/or demolish the structure(s) on the property with any and all costs therefore being assessed against the property and constituting a lien thereon. At the hearing, the City may seek the right but not the obligation to act if the property owner fails to act and, in addition to the fines above, the City shall seek reimbursement of any and all costs and other amounts incurred by the City to remedy any of the violations below or related thereto. Said amounts may be assessed against the property and constitute a lien thereon.**

If the violation is corrected and then recurs, or if the violation is not corrected by the above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance.

Briefly stated, the following conditions exist which cause the structure to be unsafe and the property in violation of the following:

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1 Unsafe conditions.** 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.1 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.3 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**

**111.1.5 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 as follows shall be considered to be 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.

**Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 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.

**Chapter 3 General Requirements, Section 305 Interior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 305.1 General** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in 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.

**Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances:**

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
  - (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
  - (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
  - (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
  - (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
  - (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.
- (b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

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

**Chapter 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.

The City has authority to act under the following emergency measures and the City will request that the Special Magistrate order compliance with the following:

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 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 reference codes and standards set forth in section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility.

**Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent Danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.7.1 Placard Removal** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.8 Prohibited Occupancy** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 14, 2023, 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 above 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 Officer. 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." **THIS INCLUDES BUT IS NOT LIMITED TO ALL COSTS TO REPAIR, SECURE AND/OR DEMOLISH THE STRUCTURE.** The costs incurred to date are \$ 78.30 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any and all additional costs incurred including with follow-up inspections and all 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 **June 14, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 26, 2023, 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 the fine lien on the above referenced case at said PUBLIC HEARING. 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/Officer. Please govern yourself accordingly.

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

DATED this 24th day of April, 2023.

CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT OFFICER

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: Fair Value Homebuyers LLC  
830 Sugar House Boulevard  
Port Orange, FL 32129  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Fair Value Homebuyers LLC  
Property Owners  
4781 N. Congress Avenue #1125  
Boynton Beach, FL 33426,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Fair Value Homebuyers LLC  
Property Owners  
C/O: Paul Anesevice  
PJA Mgmt. LLC  
4521 PGA Boulevard, Suite 364  
Palm Beach Gardens, FL 33418  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Fair Value Homebuyers LLC  
Property Owners  
C/O: United States Corporation Agents, Inc.  
Registered Agent  
476 Riverside Avenue  
Jacksonville, FL 32202,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Fair Value Homebuyers LLC  
C/O Delaware Business Incorporators, INC.  
3422 Old Capitol TRL STE 700  
Wilmington, DE 19808  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Fair Value Homebuyers, LLC  
156 Brigham Hill Rd.  
North Grafton, MA 01536  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: All Unknown Tenants/Occupants  
830 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:40 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

Dena Joseph  
Dena Joseph, Code Enforcement Officer

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830 Sugar House Boulevard  
Port Orange, FL 32129  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023

Time: approx. 11:45 am

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Fair Value Homebuyers LLC  
Property Owners  
4781 N. Congress Avenue #1125  
Boynton Beach, FL 33426,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023

Time: approx. 11:45 am

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Fair Value Homebuyers LLC  
Property Owners  
C/O: Paul Anesevice  
PJA Mgmt. LLC  
4521 PGA Boulevard, Suite 364  
Palm Beach Gardens, FL 33418  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45 am

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Fair Value Homebuyers LLC  
Property Owners  
C/O: United States Corporation Agents, Inc.  
Registered Agent  
476 Riverside Avenue  
Jacksonville, FL 32202,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45AM

Wady  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Fair Value Homebuyers LLC  
C/O Delaware Business Incorporators, INC.  
3422 Old Capitol TRL STE 700  
Wilmington, DE 19808  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023

Time: approx. 11:45AM

Wady  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Fair Value Homebuyers, LLC  
156 Brigham Hill Rd.  
North Grafton, MA 01536  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023

Time: approx. 11:45AM

Wady  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Flagler Insurance  
Corporate Office  
1091 NE Pine Island Road, Ste A  
Cape Coral, FL 33909,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45AM

Wady  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Maria Coroneos  
10 Spanish Pine Way  
Ormond Beach, FL 32174  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45Am

J Cody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: All Unknown Tenants/Occupants  
830 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 830 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

this 24 day of April, 2023.

Time: approx. 11:45Am

J Cody  
Secretary, Special Magistrate

#### **RIGHT TO APPEAL**

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

#### **RECORD OF PROCEEDINGS**

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

**ACCOMMODATIONS**

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**, 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.



**CITY OF PORT ORANGE,**

**Petitioner,**

**Vs.**

CASE NO:22-1394

**FAIR VALUE HOMEBUYERS LLC**

Property Address: 830 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0090

**Respondents,**

**AFFIDAVIT OF BUILDING OFFICIAL**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Allan Tischler, Building Official for the City of Port Orange, Florida, who, after being duly sworn, deposes and says:

1. I, Allan Tischler, Building Official for the City of Port Orange, in accordance with the City of Port Orange Code of Ordinances including **Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-107 Inspections**, have personally reinspected this property (structure) April 24, 2023.

2. I find that the structure was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable.

3. The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable and substantial likelihood that the walls or other structural members may fall or give way in the near future.

4. The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

5. The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.



6. The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

7. The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.

8. The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

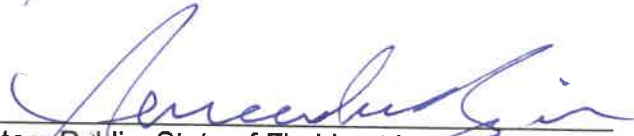
9. It is my opinion, that the structure should be condemned and demolished.

FURTHER AFFIANT SAYETH NOT.



Allan Tischler, Building Official  
City of Port Orange

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24th day of April, 2023, by Allan Tischler, as the Building Official of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.



Notary Public, State of Florida at Large  
Printed name, commission and expiration:



**Case Cost Sheet Log****Case No. 22-1377**

| Name                                   | Activity                                                | Activity_Date | Status                                            | Cost   |
|----------------------------------------|---------------------------------------------------------|---------------|---------------------------------------------------|--------|
| Marlene Prouty Estate                  | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified Returned Unable to Forward              | \$9.66 |
| Marlene Prouty Estate                  | Cost to mail Affidavit of Building Official             | 05/01/2023    |                                                   | \$0.00 |
| Marlene Prouty (832 Sugar House)       | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified returned<br>Unclaimed/Unable to Forward | \$9.66 |
| Marlene Prouty (832 Sugar House)       | Cost to mail Affidavit of Building Official             | 05/01/2023    |                                                   | \$0.00 |
| Marlene Prouty (14 Middle Road)        | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified returned<br>Unclaimed/Unable to Forward | \$9.66 |
| Marlene Prouty (14 Middle Road)        | Cost to mail Affidavit of Building Official             | 05/01/2023    | Certified returned<br>Unclaimed/Unable to Forward | \$0.00 |
| Vincent Prouty (14 Middle Road)        | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified returned<br>Unclaimed/Unable to Forward | \$9.66 |
| Vincent Prouty (14 Middle Road)        | Cost to mail Affidavit of Building Official             | 05/01/2023    | Certified returned<br>Unclaimed/Unable to Forward | \$0.00 |
| Vincent Prouty (13502 King Charles Dr) | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    |                                                   | \$9.66 |
| Vincent Prouty (13502 King Charles Dr) | Cost to mail Affidavit of Building Official             | 05/01/2023    |                                                   | \$0.00 |
| PNC Mortgage                           | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                          | \$9.66 |
| PNC Mortgage                           | Cost to mail Affidavit of Building Official             | 05/01/2023    | Certified receipt signed                          | \$0.00 |
| Cardinal Financial Company             | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023    | Certified receipt signed                          | \$9.66 |

|                                                                     |                                                         |            |                                                |          |
|---------------------------------------------------------------------|---------------------------------------------------------|------------|------------------------------------------------|----------|
| Cardinal Financial Company                                          | Cost to mail Affidavit of Building Official             | 05/01/2023 | Certified receipt signed                       | \$0.00   |
| Universal Property & Casualty Insurance Company c/o: Vetra Harrison | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified receipt signed                       | \$9.66   |
| Universal Property & Casualty Insurance Company c/o: Vetra Harrison | Cost to mail Affidavit of Building Official             | 05/01/2023 | Certified receipt signed                       | \$0.00   |
| All Unknown Occupants/Tenants                                       | Cost to mail Notice of Violation and Notice of Hearings | 04/25/2023 | Certified returned Unclaimed/Unable to Forward | \$9.66   |
| All Unknown Occupants/Tenants                                       | Cost to mail Affidavit of Building Official             | 05/01/2023 | Certified returned Illegible/unable to forward | \$0.00   |
| 832 Sugar House                                                     | Legal Ad Publication                                    | 05/10/2023 |                                                | \$622.80 |
| 832 Sugar House                                                     | Legal Ad Publication                                    | 05/17/2023 |                                                | \$622.80 |
| 832 Sugar House                                                     | Legal Ad Publication                                    | 05/24/2023 |                                                | \$622.80 |
| 832 Sugar House                                                     | Legal Ad Publication                                    | 05/31/2023 |                                                | \$622.80 |
| Clerk of Court                                                      | Cost to record Finding of Fact                          | 06/14/2023 |                                                | \$34.25  |
| Marlene Prouty Estate                                               | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| Marlene Prouty (832 Sugar House)                                    | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| Marlene Prouty (14 Middle Road)                                     | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| Vincent Prouty(14 Middle Road)                                      | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| Vincent Prouty(13502 King Charles Drive )                           | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| PNC Mortgage                                                        | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| Cardinal Financial Company                                          | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| Universal Property & Casualty Insurance Company                     | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |
| All Unknown Occupants/Tenants                                       | Cost to Mail Finding of Fact                            | 06/14/2023 |                                                | \$8.70   |

Total: \$2690.69

**CITY OF PORT ORANGE,**

**Petitioner,**

**Vs.**

**CASE NO:22-1377**

**MARLENE PROUTY ESTATE &  
VINCENT PROUTY**

Property Address: 832 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0100

**Respondents,**

**AFFIDAVIT OF BUILDING OFFICIAL**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Allan Tischler, Building Official for the City of Port Orange, Florida, who, after being duly sworn, deposes and says:

1. I, Allan Tischler, Building Official for the City of Port Orange, in accordance with the City of Port Orange Code of Ordinances including **Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-107 Inspections**, have personally reinspected this property (structure) April 24, 2023.

2. I find that the structure was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable.

3. The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable and substantial likelihood that the walls or other structural members may fall or give way in the near future.

4. The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

5. The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

6. The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

7. The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.

8. The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

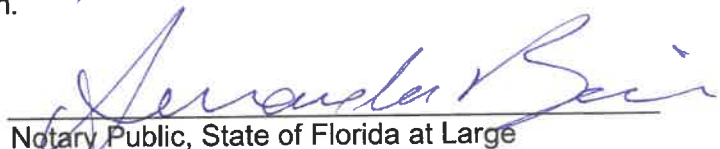
9. It is my opinion, that the structure should be condemned and demolished.

FURTHER AFFIANT SAYETH NOT.

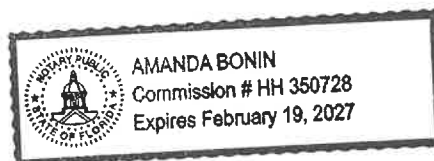


Allan Tischler, Building Official  
City of Port Orange

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24th day of April, 2023, by Allan Tischler, as the Building Official of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced \_\_\_\_\_ as identification.



Notary Public, State of Florida at Large  
Printed name, commission and expiration:





**NOTICE OF VIOLATION PRESENTING A SERIOUS THREAT TO THE PUBLIC,  
HEALTH, SAFETY, AND WELFARE AND/OR IS IRREPARABLE OR  
IRREVERSIBLE IN NATURE**

**CITY OF PORT ORANGE, FLORIDA**

**CITY OF PORT ORANGE,**

**Petitioner**

**CASE NO. 22-1377**

**To:**

**Marlene Prouty Estate  
832 Sugar House Boulevard  
Port Orange, FL 32129**

**Marlene Prouty  
832 Sugar House Boulevard  
Port Orange, FL 32129**

**Marlene Prouty  
14 Middle Road  
Lebanon Church, VA 22641**

**Vincent Prouty  
14 Middle Road  
Lebanon Church, VA 22641**

**Vincent Prouty  
13502 King Charles Drive  
Chantilly, VA 20151**

**CC:**

**PNC Mortgage (CL-0046586)  
3001 Hackberry Road  
Irving, TX 75063**

**Cardinal Financial Company  
3701 Arco Corporate Drive, #200  
Charlotte, NC 28273**

**Universal Property & Casualty Insurance Company  
C/O: Vetra Harrison, Subrogation Investigator  
1110 W. Commercial Boulevard  
Fort Lauderdale, FL 33309**

**All Unknown Occupants/Tenants  
832 Sugar House Boulevard  
Port Orange, FL 32129**

**Re: 832 Sugar House Boulevard  
Port Orange, FL 32129  
Parcel ID: 6337-08-01-0100**

LEGAL DESCRIPTION: LOT 10 SUGAR FOREST PHASE I MB 34 PG 123 PER OR 4066 PG 2162 PER OR 7062 PGS 4729-4730 PER OR 7131 PGS 1455-1456

Volusia County Public Records  
Volusia County, FL

This property has been deemed an unsafe structure by the Building Official Allan Tischler. The relief sought is demolition of the unsafe structure, departure of all occupants, and cleanup of property. A demolition permit will need to be obtained.

The structure was substantially damaged by a fire. The determination of the building official is that the unit/building is damaged, dangerous, structurally unsafe and uninhabitable. The Affidavit of the Building Official is attached hereto and hereby incorporated herein.

An inspection of the premises on April 24, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by the following dates and by doing the following:

- 1) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants that are residing inside the structure are to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact.
- 2) All trash, debris, junk, and outside items must be removed from the property no later than **May 5, 2023**.
- 3) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure will need to be applied for no later than **May 7, 2023**. The permit must also be obtained, to include payment of all associated fees and the demolition completed, no later than **June 7, 2023**. Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

**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 day per violation if the special magistrate finds the violation to present an imminent threat to the public, health, safety or welfare and/or be irreparable or irreversible in nature.**

Failure to comply after this date may also result in an order vacating the property and requiring the property owner to, or permitting the city to, enter the property, remove all trash, debris, and items, secure, repair and/or demolish the structure(s) on the property with any and all costs therefore being assessed against the property and constituting a lien thereon. **At the hearing, the City may seek the right but not the obligation to act if the property owner fails to act and, in addition to the fines above, the City shall seek reimbursement of any and all costs and other amounts incurred by the City to remedy any of the violations below or related thereto. Said amounts may be assessed against the property and constitute a lien thereon.**

If the violation is corrected and then recurs, or if the violation is not corrected by the above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance.

Briefly stated, the following conditions exist which cause the structure to be unsafe and the property in violation of the following:

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**  
**111.1 Unsafe conditions.** 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**  
**111.1.1 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**  
**111.1.3 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.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**  
**111.1.5 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 as follows shall be considered to be 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.

**Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 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.

**Chapter 3 General Requirements, Section 305 Interior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 305.1 General** The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in 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.

**Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances:**

(a) A structure is unsafe when any of the following conditions exist:

- (1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.
- (2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.
- (3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.
- (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.
- (5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.
- (6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

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

**Chapter 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.

**The City has authority to act under the following emergency measures and the City will request that the Special Magistrate order compliance with the following:**

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 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 reference codes and standards set forth in section 102.8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The code official shall notify the serving utility.

**Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent Danger.** When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.7.1 Placard Removal** The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

**Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.8 Prohibited Occupancy** Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or owner's authorized agent who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 14, 2023, 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 above 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 Officer. 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." **THIS INCLUDES BUT IS NOT LIMITED TO ALL COSTS TO REPAIR, SECURE AND/OR DEMOLISH THE STRUCTURE.** The costs incurred to date are \$ 60.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any and all additional costs incurred including with follow-up inspections and all other costs associated with this case until its conclusion.

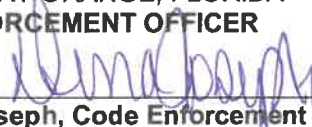
### NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 14, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a **2<sup>nd</sup> PUBLIC HEARING** will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 26, 2023, 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 the fine lien on the above referenced case at said PUBLIC HEARING. 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/Officer. Please govern yourself accordingly.

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

DATED this 24th day of April, 2023.

CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT OFFICER

By:   
Dena Joseph, Code Enforcement Officer

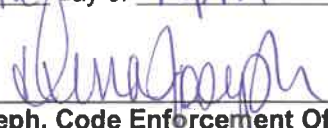
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Marlene Prouty Estate  
832 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:50 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

  
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: Marlene Prouty  
832 Sugar House Boulevard  
Port Orange, FL 32129  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:50 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Marlene Prouty  
14 Middle Road  
Lebanon Church, VA 22641  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:50 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Vincent Prouty  
14 Middle Road  
Lebanon Church, VA 22641  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:50 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Vincent Prouty  
13502 King Charles Drive  
Chantilly, VA 20151  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:50 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: All Unknown Occupants/Tenants  
832 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☐ Hand-delivered  
☒ Posted at the property

Time: approx. 10:50 AM

Recipient of hand delivered documents: \_\_\_\_\_

this 24th day of April, 2023.

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: Marlene Prouty Estate  
832 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☐ Sent via certified and regular mail

Time: approx. 11:58 AM

this 24 day of April, 2023.

Rody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing  
to: Marlene Prouty  
832 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☐ Sent via certified and regular mail

Time: approx. 11:58AM

this 24 day of April, 2023.

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Marlene Prouty  
14 Middle Road  
Lebanon Church, VA 22641  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58AM

this 24 day of April, 2023.

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Vincent Prouty  
14 Middle Road  
Lebanon Church, VA 22641  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58AM

this 24 day of April, 2023.

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Vincent Prouty  
13502 King Charles Drive  
Chantilly, VA 20151  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58AM

this 24 day of April, 2023.

Scody  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: PNC Mortgage (CL-0046586)  
3001 Hackberry Road  
Irving, TX 75063  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58 AM

this 24 day of April, 2023.

*Cady*  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Cardinal Financial Company  
3701 Arco Corporate Drive, #200  
Charlotte, NC 28273  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58 AM

this 24 day of April, 2023.

*Cady*  
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Universal Property & Casualty Insurance Company  
C/O: Vetra Harrison, Subrogation Investigator  
1110 W. Commercial Boulevard  
Fort Lauderdale, FL 33309,  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58 AM

this 24 day of April, 2023.

*Cady*  
Secretary, Special Magistrate



☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: All Unknown Occupants/Tenants  
832 Sugar House Boulevard  
Port Orange, FL 32129,  
RE: 832 Sugar House Boulevard  
Port Orange, FL 32129, was:

- ☒ Posted at City Hall  
☒ Sent via certified and regular mail

Time: approx. 11:58 AM

this 24 day of April, 2023.

  
Secretary, Special Magistrate

#### **RIGHT TO APPEAL**

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

#### **RECORD OF PROCEEDINGS**

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

#### **ACCOMMODATIONS**

**IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA)**, 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.



### Case Cost Sheet Log

Case No. 23-071

| Name             | Activity                                               | Activity_Date | Status | Cost    |
|------------------|--------------------------------------------------------|---------------|--------|---------|
| Christal L. Caso | Hand Delivery of Notice of Violation/Notice of Hearing | 05/05/2023    |        | \$0.00  |
| Clerk of Court   | Cost to record Finding of Fact                         | 06/14/2023    |        | \$29.25 |
| Christal L. Caso | Cost to mail Finding of Fact                           | 06/14/2023    |        | \$8.70  |

Total: \$37.95



## NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-071

To: Christal L Caso  
437 Greenleaf Square  
Port Orange, FL 32127

Re: 437 Greenleaf Square  
Port Orange, FL 32127  
Parcel ID: 6322-07-02-0240

LEGAL DESCRIPTION: LOT 24 THE WOODS OF PORT ORANGE UNIT 2 MB 34 PG 198 PER OR 2737 PG 1120 & INC PART OF LOT 31 CAMBRIDGE ACRES SUB MB 34 PGS 23 TO 26 INC MEAS 233.77 FT ON W/L & 64.50 FT MEAS ON S/L AND BEING E OF LOT 24 THE WOODS OF PORT ORANGE UNIT 2 MB 34 PG 198 PER OR 4494 PG 3579 PER OR 6926 PG 0288 PER OR 6999 PG 0864 PER OR 7380 PG 3125 PER OR 7390 PG 4970 PER OR 7730 PG 2831  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on January 17, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

Code Enforcement spoke to the owner of the property on January 18, 2023. The owner was notified of the violations. Additionally, the owner was notified of claims that she is renting out the pool house and the R.V. The owner was given 30 days to correct all violations. A re-inspection was conducted on February 23, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by June 4, 2023, by doing the following:**

- 1). All outdoor stored items must be removed from the property or properly stored in an enclosed garage.
- 2). The unregistered and inoperable R.V. must be properly tagged, operable, or removed from the property. The R.V. cannot be used for living and sleeping.
- 3). The pool house shall not be used as a guest house, apartment, or other residential living quarters.
- 4). The unpermitted fence must be permitted or removed.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

1. **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.
  - The initial inspection of this property found various items stored outside.

2. **City of Port Orange Code of Ordinances, Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (a)** For the purpose of this section, "recreational vehicle or equipment" means any vehicle, motorized equipment or equipment customarily towed behind a motor vehicle, which is designed, intended, or used for recreational purposes, including, but not limited to, boats, boat trailers, travel trailers, private motor coaches, truck campers or motor homes and camping trailers as defined in F.S. § 320.01(1)(b). **(c)** For purposes of this section, disabled or abandoned recreational vehicles or equipment means any vehicle or equipment which: **(1)** Is wrecked and unrepaired, or is incapable of functioning as a recreational vehicle or equipment in its present state: **(3)** Is not registered and/or licensed as required by law. **(f)** No recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
  - The initial inspection of this property found an unregistered and inoperable R.V. on the property and also revealed that the R.V. is being utilized as living and sleeping quarters.
3. **Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4)** No accessory residential structure shall be used as a guest house, apartment, or other residential quarters unless otherwise permitted by this code. **(5)** No accessory residential structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment.
  - The initial inspection of this property found an unregistered and inoperable R.V. on the property and also revealed that the R.V. is being utilized as living and sleeping quarters.
4. **2020 Florida Building Code, 7<sup>th</sup> Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
  - The initial inspection of the property found an unpermitted fence had been installed.

#### **NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 14, 2023, 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 above 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 Officer. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government

in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 0.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

### **NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on **June 14, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **July 26, 2023, 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 the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 5<sup>th</sup> day of May, 2023.

CITY OF PORT ORANGE, FLORIDA  
**CODE ENFORCEMENT OFFICER**

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Christal L Caso

437 Greenleaf Square

Port Orange, FL 32127

Re: 437 Greenleaf Square

Port Orange, FL 32127, was:

☒ Hand-delivered

Recipient of hand-delivered documents: Christal Caso

☐ Posted at the property \_\_\_\_\_ (date)

☒ Posted at City Hall May 5, 2023 (date)

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

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Christal L Caso

437 Greenleaf Square

Port Orange, FL 32127

Re: 437 Greenleaf Square

Port Orange, FL 32127, was sent via certified and regular mail this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Secretary, Special Magistrate**

### **RIGHT TO APPEAL**

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

### **RECORD OF PROCEEDINGS**

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS. AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY

NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

**ACCOMMODATIONS**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

### Case Cost Sheet Log

Case No. 23-0373

| Name            | Activity                                                | Activity_Date | Status                       | Cost    |
|-----------------|---------------------------------------------------------|---------------|------------------------------|---------|
| Stephen Stewart | Cost to mail Notice of Violation and Notice of Hearings | 04/14/2023    | Certified returned Unclaimed | \$8.70  |
| Clerk of Court  | Cost to record Finding of Fact                          | 05/24/2023    |                              | \$29.25 |
| Stephen Stewart | Cost to mail Finding of Fact                            | 05/24/2023    |                              | \$8.70  |

Total: \$46.65



## NOTICE OF VIOLATION AND NOTICE OF HEARINGS

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CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0373

To: Stephen Stewart  
41 Seaview Drive  
Ormond Beach, FL 32176

Re: 717 Dove Avenue  
Port Orange, FL 32129  
Parcel ID: 6305-05-05-0080

LEGAL DESCRIPTION: LOT 8 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 3734 P  
G 1122 PER OR 6586 PG 2251 PER OR 7455 PGS 0789-0791 INC PER  
OR 7821 PG 3394  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on March 27, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 7 days to correct. Re-inspection completed on April 3, 2023, and April 6, 2023, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 30, 2023, by doing the following:**

**1.) The electricity to the property must be reconnected and in good working condition.**

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

1. **Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the 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 that does not comply with the requirements of this chapter.
- The initial inspection of this property revealed that the home did not have any electricity connected.

**NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 24, 2023, 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 above 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 Officer. 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 \$ 8.70 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

**NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on **May 24, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 28, 2023, 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 the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.



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

DATED this 13<sup>th</sup> day of April, 2023.

CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT OFFICER

By: [Signature]  
Bailey Hornbuckle, 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: Stephen Stewart, 41 Seaview Drive, Ormond Beach, FL 32176, RE: 717 Dove Avenue, Port Orange, FL, 32129, was

☐ Hand-delivered

Recipient of hand-delivered documents: \_\_\_\_\_

☒ Posted at the property

this 13<sup>th</sup> day of April, 2023.

Time: approx. 10:05am

[Signature]  
Bailey Hornbuckle, 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: Stephen Stewart, 41 Seaview Drive, Ormond Beach, FL 32176, RE: 717 Dove Avenue, Port Orange, FL, 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 14 day of April, 2023.

Time: approx. 1:15pm

[Signature]  
Secretary, Special Magistrate

#### **RIGHT TO APPEAL**

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

#### **RECORD OF PROCEEDINGS**

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

#### **ACCOMMODATIONS**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

### Case Cost Sheet Log

Case No. 23-0078

| Name                | Activity                                               | Activity_Date | Status                                         | Cost    |
|---------------------|--------------------------------------------------------|---------------|------------------------------------------------|---------|
| Patsy J. Richardson | Hand Delivery of Notice of Violation/Notice of Hearing | 04/04/2023    |                                                | \$0.00  |
| Clerk of Court      | Cost to record Finding of Fact                         | 05/10/2023    |                                                | \$29.25 |
| Patsy J. Richardson | Cost to mail Finding of Fact                           | 05/10/2023    | Certified returned Unclaimed/Unable to Forward | \$8.70  |
| Clerk of Court      | Fee to record Order Imposing/Fine and Lien             | 06/14/2023    |                                                | \$46.25 |
| Patsy J. Richardson | Cost to mail Order Imposing/Fine and Lien              | 06/14/2023    |                                                | \$8.70  |

Total: \$92.90



## NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0078

To: Patsy J. Richardson  
3633 S Peninsula Drive  
Port Orange, FL 32127

Re: 3633 S Peninsula Drive  
Port Orange, FL 32127  
Parcel ID: 6302-06-00-0162

LEGAL DESCRIPTION: W 100 FT OF E 484.28 FT OF S 140 FT OF N 740 FT WINTHROP HOLDING CO RESUB HALIFAX ESTATE PER OR 3450 PG 1628 PER OR 6466 PG 2657 PER OR 8240 PG 4371  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on January 19, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and was given until February 20, 2023, to correct. Re-inspections completed on February 24, 2023, and on April 4, 2023, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 15, 2023, by doing the following:**

- 1.) **The person residing in the camper located on the property must vacate, or the camper must be removed from the property.**
- 2.) **The outside stored items (including but not limited to boards, lumber, etc. around the camper and alongside the property) must be properly stored inside an enclosed building or removed from the property.**
- 3.) **The junk, trash, and debris (including old planting boxes/pits) must be cleaned up and removed from the property.**
- 4.) **The broken fence must be repaired to its original and upright condition or removed from the property.**

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the 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 above specified time for correction given by the undersigned Code Enforcement Officer (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 Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

- 1.) **City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article III (Sanitary Conditions), Sec. 42-59 (Location of vehicles used for human occupancy):** It shall be unlawful for any person to use or occupy any trailer, automobile or other vehicle within the city as place of residence, domicile or living quarters unless the same is located in a licensed mobile home park, trailer park or campground equipped for such use in accordance with the regulation of the state governing mobile home or trailer parks or parking lots for mobile homes, trailers, automobiles or other vehicles to be used as a place of domicile, residence or living quarters for human beings.
  - The initial inspection of this property found a recreational vehicle parked in the backyard that is being utilized for human occupancy.
- 2.) **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.
  - The initial inspection of this property found various items (including but not limited to boards, lumber, etc.) stored outside around the camper and alongside the back of the property.
- 3.) **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.
  - The initial inspection of this property found a pile of junk, trash, and debris (including but not limited to planting boxes/pots) in the back corner of the property.
- 4.) **City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance: (b) All fences shall be maintained in their original upright condition. (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.**
  - The initial inspection of this property found a fence in disrepair with missing and broken pickets.

#### **NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED**

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 10, 2023, 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 above 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 Officer. Please govern yourself accordingly.

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

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

### NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 10, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 14, 2023, 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 the fine lien on the above-referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5643**.

DATED this 4<sup>TH</sup> day of APRIL, 2023.

CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT OFFICER

By: [Signature]  
Dennis A. Boehmer, 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: Patsy J. Richardson, 3633 S Peninsula Drive, Port Orange, FL 32127, RE: 3633 S Peninsula Drive, Port Orange, FL 32127, was

☒ Hand-delivered  
☐ Posted at the property

Recipient of hand-delivered documents: PATSY RICHARDSON

this 4<sup>TH</sup> day of APRIL, 2023.

Time: approx. 12:50 HOURS

[Signature]  
Dennis A. Boehmer, 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: Patsy J. Richardson, 3633 S Peninsula Drive, Port Orange, FL 32127, RE: 3633 S Peninsula Drive, Port Orange, FL 32127, was

☒ Posted at City Hall  
☐ Sent via certified and regular

this 4 day of April, 2023.

Time: approx. 1:25 p.m.

[Signature]  
Secretary, Special Magistrate

### RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

### RECORD OF PROCEEDINGS

PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY

NEED TO ENSURE AT HIS OR HER OWN EXPENSE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.

**ACCOMMODATIONS**

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

**CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE  
CASE NO. 23-0078**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

PATSY J. RICHARDSON  
3633 S. PENINSULA DRIVE  
PORT ORANGE, FL 32127  
PARCEL ID: 6302-06-00-0162

**Respondent.**

\_\_\_\_\_ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on May 10, 2023 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.** Respondents, PATSY J. RICHARDSON, whose mailing address is 3633 S. PENINSULA DRIVE, PORT ORANGE, FL 32127 is the owner of the property located at 3633 S. PENINSULA DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

W 100 FT OF E 484.28 FT OF S 140 FT OF N 740 FT WINTHROP HOLDING CO RESUB  
HALIFAX ESTATE PER OR 3450 PG 1628 PER OR 6466 PG 2657 PER OR 8240 PG 4371

**B.** The violation was to be corrected by 1.) the person residing in the camper located on the property needs to vacate or the camper needs to be removed from the property. 2.) properly storing outside stored items (including but not limited to boards, lumber, etc., around the camper and alongside the property) inside an enclosed building or remove from the property. 3.) cleaning up the junk, trash, and debris (including old planting boxes and broken pottery) and remove from the property. This condition was first observed at the real property described above on January 19, 2023. Respondent received notice via posting at City Hall on April 4, 2023, as well as hand delivered on-site at 3633 S. Peninsula Dr., Port Orange, FL 32127 to Patsy J. Richardson on April 4, 2023 that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article III (Sanitary Conditions), Section 42-59 (Location of vehicles used for human occupancy), Chapter 42 (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-32 (Storage of vehicles,



furniture, etc.), and Section 42-26 (Cleanliness of property generally-duty of the owner), (f) garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances and was to be corrected by April 15, 2023. An inspection on May 5, 2023, found the outside storage, trash and debris has been removed from the property and is now in compliance with Chapter 42 (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), and Section 42-26 (Cleanliness of property generally-duty of the owner), (f) garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances.

C. At the time of the hearing, the violations cited above: ☒ continued to exist, or ☐ remained non-compliant 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), by reason of the foregoing, has/have violated the above-referenced code(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated in the notice of violation is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

### **ORDER:**

A. Respondent(s) shall correct the aforesaid violation by removing the person residing out of the camper along with all of his personal belongings or removing/relocating the camper off the property, on or before May 20, 2023. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, 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 the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, 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 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 subsection (a)." The cost to date is \$37.95 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. 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 10 day of May, 2023.

Attest:   
Secretary, Code Enforcement Special Magistrate

By:   
Code Enforcement Special Magistrate

**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), PATSY J. RICHARDSON, 3633 S. PENINSULA DRIVE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 10 day of MAY, 2023.

  
Secretary, Code Enforcement Special Magistrate

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.

**CITY OF PORT ORANGE, FLORIDA**  
I HEREBY CERTIFY the foregoing is a true copy  
of the original filed in this office.  
This document has not been redacted pursuant to Florida Law.  
This 10 day of May, 2023  
By: 