



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 27, 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 - September 13, 2023

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 23-229

Respondent: Peggy A. Brandt

Address of Violation: 6114 Palmas Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/16/2023

Compliance: No

Cited for violation(s) - 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.

4. CEB Case No.: 23-781

Respondent: Marc Anthony Cinicola

Tasha Smith

Address of Violation: 109 Wimbledon Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/25/2023

Compliance: No

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (d) No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following: (1) In an enclosed building or a completely enclosed

garage. (2) Behind the front plane of a dwelling unit. (3) Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading.

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

5. **CEB Case No.:** 23-0659

Respondent: Mary D. Lenihan

Address of Violation: 4654 Secret River Trail, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 6/26/2023

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) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages

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.

6. **CEB Case No.:** 23-0760

Respondent: Allen E. Davis III Estate

Carol Frances Davis

Address of Violation: 4041 S. Waterbridge Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 7/14/2023

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) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages.

C. ORDER IMPOSING FINE/LIEN

7. **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.

8. **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: 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

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.

9. **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: 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

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.

10. **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: 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

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.

11. **CEB Case No.:** 23-692

Respondent: Darrell Blake
Sharon Blake

Address of Violation: 1157 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/29/2023

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) of the City of Port Orange Code of Ordinances.

12. **CEB Case No.:** 23-0626

Respondent: Geraldine Jones Life Estate

Address of Violation: 1237 Edna Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 6/8/2023

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), (h) (Abutting property owner maintenance of parkages) and (f) Garbage, waste, trash, etc. 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.

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, 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.

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
SEPTEMBER 13, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Enforcement Manager

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 - August 23, 2023

Special Magistrate Fuller approved the August 23, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-0077

Respondent: Barbara N. Bond

Address of Violation: 723 Horseman Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer, Jr.

First Notified: 12/22/2022

Compliance: Yes

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

Amanda Bonin, Code Enforcement Manager, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 23-0710

Respondent: Everett Wicker

Address of Violation: 711 Fieldstone Avenue, Port Orange, FL 32129

Code Officer: Sherry Schimizzi

First Notified: 7/7/2023

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 and (h) Abutting property owner maintenance of parkages.

Mrs. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 23-0798

Respondent: 2017-2 IH Borrower LP

Address of Violation: 3855 Sunset Cove Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 7/27/2023

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.

Mrs. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

ADJOURNMENT – 9:02 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 23-229

Name	Activity	Activity_Date	Status	Cost
Peggy A. Brandt	Cost to mail Notice of Violation and Notice of Hearings	06/05/2023	Certified receipt signed by Rick Brandt	\$8.70
Clerk of Court	Cost to record Finding of Fact	09/27/2023		\$29.25
Peggy A. Brandt	Cost to mail Finding of Fact	09/27/2023		\$9.16

Total: \$47.11



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-229

To: Peggy A Brandt
6114 Palmas Drive
Port Orange, FL 32127-6751

Re: 6114 Palmas Drive
Port Orange, FL 32127
Parcel ID: 6338-03-00-0530

LEGAL DESCRIPTION: LOT 53 PALMS DEL MAR MB 35 PGS 94-95 INC PER OR 2699 PG 0292 PER OR 7635 PG 1276
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 16, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 15 days to correct. Re-inspections completed on March 10, 2023, and May 16, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by July 5, 2023**, by doing the following: **A permit must be applied for and obtained for the two un-permitted sheds on the property.**

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the 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. **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:** 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 this property found 2 sheds installed on the property without approved permits.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 12, 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 **July 12, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **August 23, 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 5th day of June, 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 Peggy A Brandt, 6114 Palmas Drive, Port Orange, FL 32127-6751, Re: 6114 Palmas Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand-delivered documents: _____
☒ Posted at the property 6-5-23 (date)
☒ Posted at City Hall 6-5-23 (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 Peggy A Brandt, 6114 Palmas Drive, Port Orange, FL 32127-6751, Re: 6114 Palmas Drive, Port Orange, FL 32127, was sent via certified and regular mail this 5 day of June, 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. 23-781

Name	Activity	Activity_Date	Status	Cost
Marc Anthony Cinicola	Cost to mail Notice of Violation and Notice of Hearings	08/28/2023	no mail/receipts returned	\$9.16
Tasha Smith	Cost to mail Notice of Violation and Notice of Hearings	08/28/2023	no mail/receipts returned	\$9.16
Clerk of Court	Cost to record Finding of Fact	09/27/2023		\$29.25
Marc Anthony Cinicola	Cost to mail Finding of Fact	09/27/2023		\$9.16
Tasha Smith	Cost to mail Finding of Fact	09/27/2023		\$9.16

Total: \$65.89



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-781

To: Marc Anthony Cinicola
Tasha Smith
109 Wimbledon Court
Port Orange, FL 32127

Re: 109 Wimbledon Court
Port Orange, FL 32127

Parcel ID: 6321-01-05-0180

LEGAL DESCRIPTION: LOT 18 CAMBRIDGE SUB UNIT V MB 33 PG 140 PER OR 1870 PG 0946 PER OR 3760 PG 0506
PER OR 7420 PGS 4808-4809

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 25, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on August 21, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by doing the following by September 18, 2023:** The R.V. must be properly parked behind the front plane of the home or removed from the property. Additionally, the R.V. must be removed from the front yard.

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 per violation 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 code enforcement board or 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.

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 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (d) No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following: (1) In an enclosed building or a completely enclosed garage. (2) Behind the front plane of a dwelling unit. (3) Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading.**

The recreational vehicle or equipment shall be measured along the centerline from the front to the rear of the vehicle or equipment and shall include all appurtenances, accessories and attachments, including, but not limited to, the trailer tongue, inboard and/or outboard engine, and engine trailer assembly.

- The initial inspection of this property found an RV parked in the front yard.
2. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances: (a)** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: **(1)** Stop, stand or park a motor vehicle or trailer: **(k)** On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: **(1)** Concrete or paved materials; **(2)** Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or **(3)** Concrete paver strips, paver blocks, or other semi-pervious materials.
- The initial inspection of this property found an RV parked in the front yard.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 27, 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 \$ 10.32 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 27, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on November 8, 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 28 day of August, 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 Marc Anthony Cinicola, Tasha Smith, 109 Wimbledon Court, Port Orange, FL 32127, RE: 109 Wimbledon Court, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 8-28-23 (date)
☒ Posted at City Hall 8-28-23 (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 Marc Anthony Cinicola, Tasha Smith, 109 Wimbledon Court, Port Orange, FL 32127, RE: 109 Wimbledon Court, Port Orange, FL 32127, was sent via certified and regular mail this 28 day of August, 2023.

J. Cedy
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. 23-0659

Name	Activity	Activity_Date	Status	Cost
Mary D. Lenihan	Cost to mail Notice of Violation and Notice of Hearings	08/16/2023	no mail/receipts returned	\$9.16
Clerk of Court	Cost to record Finding of Fact	09/27/2023		\$29.25
Mary D. Lenihan	Cost to mail Finding of Fact	09/27/2023		\$9.16

Total: \$47.57



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0659

To: Mary D Lenihan
4654 Secret River Trail
Port Orange, FL 32129

Re: 4654 Secret River Trail
Port Orange, FL 32129
Parcel ID: 6307-14-00-0680

LEGAL DESCRIPTION: LOT 68 CROSS CREEK PHASE I MB 42 PGS 22-23 INC PER OR 4923 PG 0215 PER OR 6359
PG 3306 PER OR 7268 PG 3810
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 26, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given a memo 3 weeks (compliance date of July 31, 2023) to correct. A re-inspection was completed on August 1, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by doing the following by August 29, 2023:**

- 1.) Mow the entire property, trim all high weeds, and blow all lawn debris back onto the property.
- 2.) The unregistered vehicles must be properly tagged and registered, parked in the driveway on in a carport, stored in an enclosed building, covered with an approved car cover, 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 per violation 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 code enforcement board or 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.

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 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages:** It shall be

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

- The initial inspection of this property found high weeds, grass, and undergrowth.
2. **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:** (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: (a) Within a completely enclosed garage; or (b) parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- The initial inspection of this property found two unregistered motor vehicles stored on the property.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 27, 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 \$9.10 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 27, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **November 8, 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) 506-5616.

DATED this 10th day of August, 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 Mary D Lenihan, 4654 Secret River Trail, Port Orange, FL 32129, RE: 4654 Secret River Trail, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 8-10-23 (date)
☒ Posted at City Hall 8-10-23 (date)

[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 Mary D Lenihan, 4654 Secret River Trail, Port Orange, FL 32129, RE: 4654 Secret River Trail, Port Orange, FL 32129, was sent via certified and regular mail this 16 day of August, 2023.

[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. 23-0760

Name	Activity	Activity_Date	Status	Cost
Allen E. Davis III Estate	Cost to mail Notice of Violation and Notice of Hearings	08/15/2023	no mail/receipts returned	\$9.16
Carol Frances Davis	Cost to mail Notice of Violation and Notice of Hearings	08/15/2023	no mail/receipts returned	\$9.16
M&T Bank c/o: Kendra Burkhardt	Cost to mail Notice of Violation and Notice of Hearings	08/15/2023	no mail/receipts returned	\$9.16
Clerk of Court	Cost to record Finding of Fact	09/27/2023		\$29.25
Allen E. Davis III Estate	Cost to mail Finding of Fact	09/27/2023		\$9.16
Carol Frances Davis	Cost to mail Finding of Fact	09/27/2023		\$9.16
M&T Bank c/o: Kendra Burkhardt	Cost to mail Finding of Fact	09/27/2023		\$9.16

Total: \$84.21



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0760

To: Allen E Davis III Estate
Carol Frances Davis
4041 S Waterbridge Circle
Port Orange, FL 32129

M&T Bank
C/O: Kendra Burkhardt
Property Preservation Escalations Specialist
475 Crosspoint Parkway
Getzville, NY 14068

Re: 4041 S Waterbridge Circle
Port Orange, FL 32129
Parcel ID: 6308-19-00-0210

LEGAL DESCRIPTION: LOT 21 COUNTRYSIDE PUD UNIT XII-A MB 41 PG 170 PER OR 3430 PG 1387 PER OR 6658 PG 0050 PER OR 7113 PG 1712 PER OR 7644 PG 2100 PER OR 7833 PG 1050
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 14, 2023, indicates that certain violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below-stated violation(s) must be corrected immediately, by doing the following: The entire property needs to be mowed, weed-eated, all undergrowth removed, and all debris blown back onto the property.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on August 24, 2022 under Case No. 22-0745.

A fine up to \$5,000 per day per violation for a repeat violation may be assessed by the Special Magistrate beginning from the date of this Notice.

Once you have caused the violation(s) to be corrected, you must request a re-inspection by the Code Enforcement Officer (Code Compliance Inspector) 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 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a

manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds, grass, and undergrowth.

This case shall be presented to the Special Magistrate even if the violation(s) has been corrected prior to the scheduled hearing date below.

NOTICE OF HEARING AS TO REPEAT VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 27, 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 in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer (code inspector). 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.

A certified copy of the 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(s) 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 \$ 27.48 as indicated on the cost sheet submitted into evidence. The respondent shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 27, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on November 8, 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 15th day of August, 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 Allen E Davis III Estate, Carol Frances Davis, 4041 S Waterbridge Circle, Port Orange, FL 32129, RE: 4041 S Waterbridge Circle, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property August 15, 2023 (date)
☒ Posted at City Hall August 15, 2023 (date)

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 Allen E Davis III Estate, Carol Frances Davis, 4041 S Waterbridge Circle, Port Orange, FL 32129, RE: 4041 S Waterbridge Circle, Port Orange, FL 32129, was sent via certified and regular mail this 15 day of August, 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 M&T Bank, C/O: Kendra Burkhardt, Property Preservation Escalations Specialist, 475 Crosspoint Parkway Getzville, NY 14068, RE: 4041 S Waterbridge Circle, Port Orange, FL 32129, was sent via certified and regular mail this 15 day of August, 2023.

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, 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. 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		\$50.25
Lauren Sanso	Cost to Mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Lauren Sanso -492 Wiltshire Blvd	Cost to Mail Finding of Fact	06/14/2023		\$8.94
Bank of England / Lender	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed - L. Harris	\$8.94
Heritage Insurance	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Nationstar Mortgage LLC	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed - Mike Cordell	\$8.94
Nationstar Mortgage LLC/ Mr. Cooper/Corelogic	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Nationstar MTG LLC	Cost to Mail Finding of Fact	06/14/2023	regular not Deliverable as addressed/Unable to forward	\$8.94
All Unknown Occupants/Tenants	Cost to Mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Clerk of Court	Fee to record Order Imposing/Fine and Lien	09/27/2023		\$46.25
Lauren Sanso	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Lauren Sanso - 492 Wiltshire Blvd	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Bank of England/Lender	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Heritage Insurance	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Nationstar Mortgage LLC	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Nationstar Mortgage LLC/Mr. Copper/Corelogic	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Nationstar MTG LLC	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
All Unknown Occupants/Tenants	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Total: \$2789.90



**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**

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 2nd 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, 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 SANZO

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.

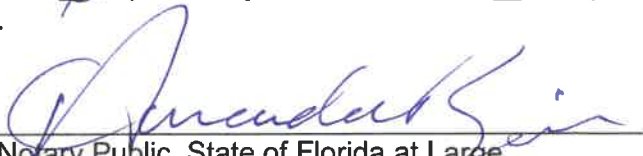
8. The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

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 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:



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 22-1374**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

LAUREN SANZO
826 SUGAR HOUSE BOULEVARD
PORT ORANGE, FL 32129
PARCEL ID: 6337-08-01-0070

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 June 14, 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, LAUREN SANZO, whose mailing addresses are 826 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, and 492 Wiltshire Boulevard, Port Orange, FL 32127 the owner of the property located at 826 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, and more particularly described as:

LOT 7 SUGAR FOREST PHASE 1 PER OR 5109 PG 3220 PER OR 7364 PG 4260

B. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were 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 were to be removed from the property no later than May 3, 2023. Trash, debris, junk and items remain on the property. (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 was to be applied for no later than May 5, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 5, 2023. Following demolition, the property was 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. No permits have been applied for as of this date and no demolition has occurred on the property. This condition was first observed at the real property described above on October 2, 2022; re-inspection was conducted on April 24, 2023 and the building inspector found that the structure was damaged, dangerous, unsafe, uninhabitable, and should be demolished. Notice of Violation was posted onsite at 826 Sugar House Blvd., Port Orange, FL 32129, on April 24, 2023, at 10:30 a.m., mailed regular and certified by the City Clerk's office on April 25, 2023, and the Affidavit of Building Official mailed regular and certified by the City Clerk's office on May 1, 2023, both mailed to the following:

- Lauren Sanso, 826 Sugar House Boulevard, Port Orange, FL 32129
- Lauren Sanso, 492 Wiltshire Boulevard, Port Orange, FL 32127
- 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

The Notice of Violation was posted in City Hall on April 24, 2023. The notice for publication was ordered and ran in the Daytona Beach News-Journal on May 10, 17, 24, and 31, 2023, in accordance with Florida Statute requirements. The aforesaid conditions constituted a violation of 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 of premises (1-11), 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, 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, Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance) (a) (1-6) (b), 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. The City also has authority to act under the following emergency measures and Respondents are to comply 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. 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. 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, 111.8 Prohibited Occupancy.

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 and is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violations by (1.) Demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property shall 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, on or before July 17, 2023. ("Compliance Date"). Additionally, (4.) the property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law.

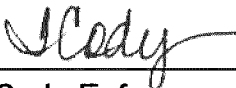
If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation may be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with reasonable costs of the

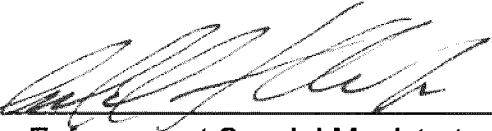
repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to subsection (a)." The cost to date is \$2,652.45 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. IF THE RESPONDENT(S) FAIL TO BRING THE PROPERTY INTO COMPLIANCE WITHIN 30 DAYS OF THE DATE OF THE ORDER, THE CITY IS GRANTED THE AUTHORITY BUT NOT THE OBLIGATION TO ENTER ONTO THE PROPERTY AND REMOVE, DEMOLISH AND DISPOSE of the structure destroyed by fire and all trash, junk, debris, litter, non-living plant material and all personal property that is inside and outside of the structure with all costs thereof being assessed against the Respondent(s) as indicated in paragraph A above. In addition, should the city remove, demolish and dispose of the aforementioned structure, items, and personal property, the city shall not be liable or responsible for any damage or loss associated with said removal, demolition or disposal consistent with Florida Statute 162.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207 and 2-214. 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 14 day of June, 2023.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

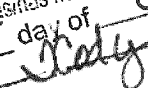
I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), LAUREN SANSO, 826 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, and Lauren Sanso, 492 Wiltshire Boulevard, Port Orange, FL 32127 by Certified and Regular Mail this 15 day of JUNE, 2023 and to the following at the following addresses by Certified and Regular Mail on this 15 day of June, 2023: 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, and All Unknown Occupants/Tenants, 826 Sugar House Boulevard, Port Orange, FL 32129.



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 15 day of June, 2023
By: 

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		\$53.25
James V. Kloos	Cost to mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Itala M. Kloos	Cost to mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Itala M. Kloos - 3644 Donna Street	Cost to mail Finding of Fact	06/14/2023	regular and Certified not Deliverable as addressed/Unable to forward	\$8.94

Itala Kloos - P.O. Box 290134	Cost to mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Mr. Cooper	Cost to mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Nationstar Mortgage LLC	Cost to mail Finding of Fact	06/14/2023		\$8.94
Nationstar Mortgage LLC/Mr. Cooper	Cost to mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Federal National Mortgage Association	Cost to mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Federal National Mortgage Association - 14221 Dallas Pkwy	Cost to mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Bank of America, NA	Cost to mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Nationstar MTG LLC	Cost to mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
All Unknown Occupants/Tenants	Cost to mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Clerk of Court	Fee to record Order Imposing/Fine and Lien	09/27/2023		\$46.25
James V. Kloos	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Itala M. Kloos	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Itala M. Kloos - 3644 Donna Street	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Itala Kloos - P.O. Box 290134	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Mr. Cooper	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Nationstar Mortgage LLC	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Nationstar Mortgage LLC/Mr. Copper	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Federal National Mortgage Association	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Federal National Mortgage Association - 14221 Dallas Pkwy	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Bank of America, NA	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Nationstar MTG LLC	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
All Unknown Occupants/Tenants	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Total: \$2936.98



**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 2nd 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

☒ 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:

- ☒ 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

☒ 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:

- ☒ 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, 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:



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 22-1393**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JAMES V. KLOOS
ITALA M. KLOOS
828 SUGAR HOUSE BOULEVARD
PORT ORANGE, FL 32129
PARCEL ID: 6337-08-01-0080

Respondents.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on June 14, 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, JAMES V. & ITALA M. KLOOS, whose mailing address is 828 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, Itala M. Kloos, 3644 Donna Street, Port Orange, FL 32129, and Itala M. Kloos, P.O. Box 290134, Port Orange, FL 32129 the owners of the property located at 828 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, and more particularly described as:

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

B. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were 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 were to be removed from the property no later than May 5, 2023. Trash, debris, junk and items remain on the property. (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 was to be applied for no

later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, the property was 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. No permits have been applied for as of this date and no demolition has occurred on the property. This condition was first observed at the real property described above on October 2, 2022; re-inspection was conducted on April 24, 2023 and the building inspector found that the structure was damaged, dangerous, unsafe, uninhabitable, and should be demolished. Notice of Violation was posted onsite at 828 Sugar House Blvd., Port Orange, FL 32129, on April 24, 2023, at 10:35 a.m., mailed regular and certified by the City Clerk's office on April 25, 2023, and the Affidavit of Building Official mailed regular and certified by the City Clerk's office on May 1, 2023, both mailed to the following:

- James V. Kloos, 828 Sugar House Boulevard, Port Orange, FL 32129
- Itala M. Kloos, 828 Sugar House Boulevard, Port Orange, FL 32129
- Itala M. Kloos, 3644 Donna Street, Port Orange, FL 32129
- Itala M. Kloos, P.O. Box 290134, Port Orange, FL 32129
- 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

The Notice of Violation was posted in City Hall on April 24, 2023. The notice for publication was ordered and ran in the Daytona Beach News-Journal on May 10, 17, 24, and 31, 2023, in accordance with Florida Statute requirements. The aforesaid conditions constituted a violation of 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 of premises (1-11), 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, 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, Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance) (a) (1-6) (b), 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. The City also has authority to act under the following emergency measures and Respondents are to comply 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. 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. 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, 111.8 Prohibited Occupancy.

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 and is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violations by (1.) Demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition, a permit must be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property shall 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, on or before July 17, 2023. ("Compliance Date"). Additionally, (4.) The property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is

not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law.

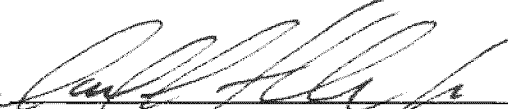
In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation may 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 \$2,760.93 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. IF THE RESPONDENT(S) FAIL TO BRING THE PROPERTY INTO COMPLIANCE WITHIN 30 DAYS OF THE DATE OF THE ORDER, THE CITY IS GRANTED THE AUTHORITY BUT NOT THE OBLIGATION TO ENTER ONTO THE PROPERTY AND REMOVE, DEMOLISH AND DISPOSE of the structure destroyed by fire and all trash, junk, debris, litter, non-living plant material and all personal property that is inside and outside of the structure with all costs thereof being assessed against the Respondents as indicated in paragraph A above. In addition, should the city remove, demolish and dispose of the aforementioned structure, items, and personal property, the city shall not be liable or responsible for any damage or loss associated with said removal, demolition or disposal consistent with Florida Statute 162.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207 and 2-214. 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 14 day of June, 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), JAMES V. & ITALA M. KLOOS, 828 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, Itala M. Kloos, 3644 Donna Street, Port Orange, FL 32129, and Itala M. Kloos, P.O. Box 290134, Port Orange, FL 32129 by Certified and Regular Mail this 15 day of JUNE, 2023 and to the following at the following addresses by Certified and Regular Mail on this 15 day of June, 2023: 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, and All Unknown Occupants/Tenants, 828 Sugar House Boulevard, Port Orange, FL 32129.



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/has not been redacted pursuant to Florida Law
 This 15 day of June, 2023
 By: Cody

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		\$51.25
Fair Value Homebuyers LLC- 830 Sugar House Blvd	Cost to Mail Finding of Fact	06/14/2023	regular and Certified not Deliverable as addressed/Unable to forward	\$8.94
Fair Value Homebuyers LLC- 4781 N. Congress Ave	Cost to Mail Finding of Fact	06/14/2023	regular and Certified not Deliverable as addressed/Unable to forward	\$8.94
Fair Value Homebuyers LLC- c/o: Paul Anesevice	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Fair Value Homebuyers LLC- c/o: United States Corporation Agents Inc	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Fair Value Homebuyers LLC- c/o: Delaware Business Incorporators, Inc	Cost to Mail Finding of Fact	06/14/2023		\$8.94
Fair Value Homebuyers LLC- 156 Brigham Hill Road	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Flagler Insurance	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Maria Coroneos	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
All Unknown Occupants/Tenants	Cost to Mail Finding of Fact	06/14/2023	regular and Certified not Deliverable as addressed/Unable to forward	\$8.94

Clerk of Court	Fee to record Order Imposing/Fine and Lien	09/27/2023		\$46.25
Fair Value Homebuyers LLC - 830 Sugar House Blvd	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Fair Value Homebuyers LLC - 4781 N. Congress Ave	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Fair Value Homebuyers LLC - c/o: Paul Anesevice	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Fair Value Homebuyers LLC - c/o: United States Corporation Agents Inc	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Fair Value Homebuyers LLC - c/o: Delaware Business Incorporators, Inc	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Fair Value Homebuyers LLC - 156 Brigham Hill Road	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Flagler Insurance	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Maria Coroneos	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
All Unknown Occupants/Tenants	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Total: \$2868.46



**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 2nd 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

☒ 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:

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

this 24 day of April, 2023

Time: approx. 11:45 am

Jody
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

Jody
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

Jody
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, 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.

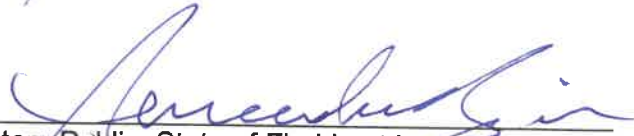
9. It is my opinion, that the structure should be condemned and demolished.

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:



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 22-1394**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

FAIR VALUE HOMEBUYERS LLC
830 SUGAR HOUSE BOULEVARD
PORT ORANGE, FL 32129
PARCEL ID: 6337-08-01-0090

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 June 14, 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. Respondent(s), FAIR VALUE HOMEBUYERS LLC, whose mailing addresses are 830 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, and Fair Value Homebuyers LLC, Property Owners, 4781 N. Congress Avenue #1125, Boynton Beach, FL 33426, Fair Value Homebuyers LLC, Property Owners, c/o: Paul Aneseviche, 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 the owner of the property located at 830 SUGAR HOUSE BOULEVARD, PORT ORANGE, FL 32129, and more particularly described as:

LOT 9 SUGAR FOREST PHASE 1 PER OR 1885 PGS 910 TO 942 INC MB 34 PG 123 PER
OR 4545 PG 4360 PER OR 8318 PG 1017

B. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were 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 were to be removed from the property no later than May 5, 2023. Trash, debris, junk and

items remain on the property. (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 was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, the property was 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. No permits have been applied for as of this date and no demolition has occurred on the property. This condition was first observed at the real property described above on October 2, 2022; re-inspection was conducted on April 24, 2023 and the building inspector found that the structure was damaged, dangerous, unsafe, uninhabitable, and should be demolished. Notice of Violation was posted onsite at 830 Sugar House Blvd., Port Orange, FL 32129, on April 24, 2023, at 10:40 a.m., mailed regular and certified by the City Clerk's office on April 25, 2023, and the Affidavit of Building Official mailed regular and certified by the City Clerk's office on May 1, 2023, both mailed to the following:

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

The Notice of Violation was posted in City Hall on April 24, 2023. The notice for publication was ordered and ran in the Daytona Beach News-Journal on May 10, 17, 24, and 31, 2023, in accordance with Florida Statute requirements. The aforesaid conditions constituted a violation of 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 of premises (1-11), 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, 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, Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance) (a) (1-6) (b), 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. The City also has authority to act under the following emergency measures and Respondent(s) are to comply 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. 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. 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, 111.8 Prohibited Occupancy.

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 and is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violations by (1.) Demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition, a permit must be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property shall 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, on or before July 17, 2023. ("Compliance Date"). Additionally, (4.) The property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off

within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law.

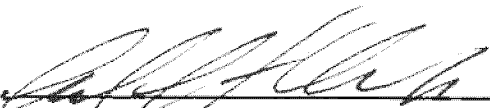
If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation may be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with reasonable costs of the repairs. Additionally, as 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 \$2,720.61 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. IF THE RESPONDENT(S) FAIL TO BRING THE PROPERTY INTO COMPLIANCE WITHIN 30 DAYS OF THE DATE OF THE ORDER, THE CITY IS GRANTED THE AUTHORITY BUT NOT THE OBLIGATION TO ENTER ONTO THE PROPERTY AND REMOVE, DEMOLISH AND DISPOSE of the structure destroyed by fire and all trash, junk, debris, litter, non-living plant material and all personal property that is inside and outside of the structure with all costs thereof being assessed against the Respondent(s) as indicated in paragraph A above. In addition, should the city remove, demolish and dispose of the aforementioned structure, items, and personal property, the city shall not be liable or responsible for any damage or loss associated with said removal, demolition or disposal consistent with Florida Statute 162.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207 and 2-214. 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 14 day of June, 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), 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 by Certified and Regular Mail this 15 day of JUNE, 2023 and by Certified and Regular Mail on this 15 day of June to the following at the following addresses: 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, and All Unknown Occupants/Tenants, 830 Sugar House Boulevard, Port Orange, FL 32129



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 15 day of June, 2023
By: Cody

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 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 Unclaimed/Unable to Forward	\$9.66
Marlene Prouty (14 Middle Road)	Cost to mail Affidavit of Building Official	05/01/2023	Certified returned 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 Unclaimed/Unable to Forward	\$9.66
Vincent Prouty (14 Middle Road)	Cost to mail Affidavit of Building Official	05/01/2023	Certified returned 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		\$51.25
Marlene Prouty Estate	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Marlene Prouty (832 Sugar House)	Cost to Mail Finding of Fact	06/14/2023	Certified receipt not signed	\$8.94
Marlene Prouty (14 Middle Road)	Cost to Mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Vincent Prouty(14 Middle Road)	Cost to Mail Finding of Fact	06/14/2023	Certified Unclaimed/Unable to forward	\$8.94
Vincent Prouty(13502 King Charles Drive)	Cost to Mail Finding of Fact	06/14/2023		\$8.94
PNC Mortgage	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed - Mike Cordell	\$8.94
Cardinal Financial Company	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
Universal Property & Casualty Insurance Company	Cost to Mail Finding of Fact	06/14/2023	Certified receipt signed	\$8.94
All Unknown Occupants/Tenants	Cost to Mail Finding of Fact	06/14/2023	regular and Certified not Deliverable as addressed/Unable to forward	\$8.94
Clerk of Court	Fee to record Order Imposing/Fine and Lien	09/27/2023		\$46.25
Marlene Prouty Estate	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Marlene Prouty (832 Sugar House)	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Marlene Prouty (14 Middle Road)	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Vincent Prouty (14 Middle Road)	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Vincent Prouty (13502 King Charles Drive)	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
PNC Mortgage	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Cardinal Financial Company	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Universal Property & Casualty Insurance Company	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
All Unknown Occupants/Tenants	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Total: \$2838.54

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.

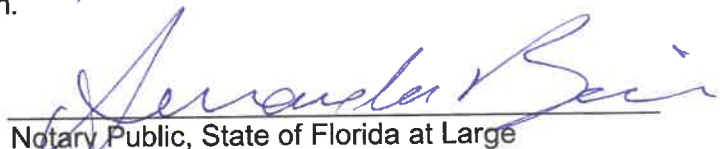
8. The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

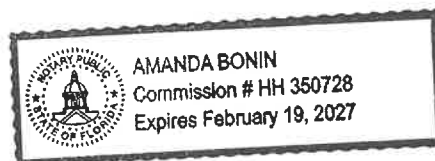
9. It is my opinion, that the structure should be condemned and demolished.

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 **2nd 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: 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
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.

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Secretary, Special Magistrate

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

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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, 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.

the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, the property was 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. No permits have been applied for as of this date and no demolition has occurred on the property. This condition was first observed at the real property described above on October 2, 2022; re-inspection was conducted on April 24, 2023 and the building inspector found that the structure was damaged, dangerous, unsafe, uninhabitable and should be demolished. Notice of Violation was posted onsite at 832 Sugar House Blvd., Port Orange, FL 32129, on April 24, 2023, at 10:50 a.m., mailed regular and certified by the City Clerk's office on April 25, 2023, and the Affidavit of Building Official mailed regular and certified by the City Clerk's office on May 1, 2023, both mailed to the following:

- 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
- 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

The Notice of Violation was posted in City Hall on April 24, 2023. The notice for publication was ordered and ran in the Daytona Beach News-Journal on May 10, 17, 24, and 31, 2023, in accordance with Florida Statute requirements. The aforesaid conditions constituted a violation of 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 of premises (1-11), 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, 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, Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance) (a) (1-6) (b), of the City of Port Orange Code of Ordinances. The City also has authority to act under the following emergency measures and Respondents are to comply 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. 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. 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, 111.8 Prohibited Occupancy.

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 and is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violations by (1.) Demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property shall 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, on or before July 17, 2023. ("Compliance Date"). Additionally, (4.) The property must remain vacated, and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law.

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 may 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 \$2,690.69 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. IF THE RESPONDENTS FAIL TO BRING THE PROPERTY INTO COMPLIANCE WITHIN 30 DAYS OF THE DATE OF THE ORDER, THE CITY IS GRANTED THE AUTHORITY BUT NOT THE OBLIGATION TO ENTER ONTO THE PROPERTY AND REMOVE, DEMOLISH AND DISPOSE of the structure destroyed by fire and all trash, junk, debris, litter, non-living plant material and all personal property that is inside and outside of the structure with all costs thereof being assessed against the Respondent(s) as indicated in paragraph A above. In addition, should the city remove, demolish and dispose of the aforementioned structure, items, and personal property, the city shall not be liable or responsible for any damage or loss associated with said removal, demolition or disposal consistent with Florida Statute 162.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207 and 2-214. 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 14 day of June, 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): 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, and VINCENT PROUTY, 14 MIDDLE ROAD, LEBANON CHURCH, VA 22641 and VINCENTY PROUTY, 13502 KINGS CHARLES DRIVE, CHANTILLY, VA 20151, by Certified and Regular Mail this 15 day of JUNE, 2023 and to the following at the following addresses by Certified and Regular Mail on this 15 day of June, 2023: 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, and All Unknown Occupants/Tenants, 832 Sugar House Boulevard, Port Orange, FL 32129.

Scady

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/has not been redacted pursuant to Florida Law
This 15 day of June, 2023
By: *Scady*

Case Cost Sheet Log**Case No. 23-692**

Name	Activity	Activity_Date	Status	Cost
Darrell Blake	Cost to mail Notice of Violation and Notice of Hearings	07/06/2023	Regular returned Not deliverable as addressed/Unable to forward & Certified returned Unclaimed	\$8.70
Sharon Blake	Cost to mail Notice of Violation and Notice of Hearings	07/06/2023	Regular returned Not deliverable as addressed/Unable to forward & Certified returned Unclaimed	\$8.70
Clerk of Court	Cost to record Finding of Fact	08/09/2023		\$29.25
Darrell Blake	Cost to mail Finding of Fact	08/09/2023	Certified Returned Unable to Forward	\$9.16
Sharon Blake	Cost to mail Finding of Fact	08/09/2023	Certified Returned Unable to Forward	\$9.16
Clerk of Court	Fee to record Order Imposing/Fine and Lien	09/27/2023		\$46.25
Darrell Blake	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16
Sharon Blake	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Total: \$129.54



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-692

To: Darrell Blake
Sharon Blake
1112 Bayview Lane
Port Orange, FL 32127

Re: 1157 Millbrook Avenue
Port Orange, FL 32127
Parcel ID: 6315-06-02-0370

LEGAL DESCRIPTION: 15 16 33 E 66 FT OF W 254 FT OF N 100 FT OF S 250 FT OF LOTS 8 & 9 ASSRS SUB MB 3 PG
82 AKA LOT 37 BLK 2 BAYVIEW HOMESITE UNREC SUB 209 PER OR 4158 PG 2903 PER OR
5492 PG 0038

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 29, 2023, indicates that certain violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below-stated violation(s) must be **corrected immediately**, by doing the following: **The entire property needs to be mowed, weed-eated, all undergrowth removed, and all debris blown back onto the property.**

Briefly stated, the property is in violation of the following:

- **Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- The initial inspection of this property found high weeds and grass.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on **January 12, 2022**, under **Case No. 21-2014**.

A fine up to \$5,000 per day per violation for a repeat violation may be assessed by the Special Magistrate beginning from the date of this Notice.

Once you have caused the violation(s) to be corrected, you must request a re-inspection by the Code Enforcement Officer (Code Compliance Inspector) to determine whether the property is in compliance.

This case shall be presented to the Special Magistrate even if the violation(s) has been corrected prior to the scheduled hearing date below.

NOTICE OF HEARING AS TO REPEAT 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 August 9, 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 in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer (code inspector). 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.

A certified copy of the 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(s) 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 shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. \$ 17.40

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 9, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **September 27, 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 10th day of JULY, 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 Darrell Blake, Sharon Blake, 1112 Bayview Lane, Port Orange, FL 32127, RE: 1112 Bayview Lane, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand-delivered documents: _____

☒ Posted at the property

this 6th day of July, 2023.

Time: approx. 11:18 A.M.

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Darrell Blake, Sharon Blake, 1112 Bayview Lane, Port Orange, FL 32127, RE: 1112 Bayview Lane, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 6 day of July, 2023.

Time: approx. 2:55 pm

Madly
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. 23-692**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

DARRELL BLAKE
SHARON BLAKE
1157 MILLBROOK AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6315-06-02-0370

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 August 9, 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, DARRELL AND SHARON BLAKE, whose mailing address is 1112 BAYVIEW LANE, PORT ORANGE, FL 32127 is the owner of the property located at 1157 MILLBROOK AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

15 16 33 E 66 FT OF W 254 FT OF N 100 FT OF S 250 FT OF LOTS 8&9 ASSRS SUB MB 3
PG 82 AKA LOT 37 BLK 2 BAYVIEW HOMES SITE UNREC SUB 209 PER OR 4158 PG 2903
PER OR 5492 PG 0038

B. The violation was to be corrected by mowing the entire property and by trimming all high weeds. This condition was first observed at the real property described above on June 29, 2023; re-inspection was conducted on August 4, 2023 and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on July 6, 2023, as well as posted on the property on July 6, 2023 that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and was to be corrected immediately as this is a repeat violation.

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.

E. You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on January 12, 2022 under Case No. 21-2014.

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/are therefore subject to the provisions of the City of Port Orange Municipal Code 2-207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property and by trimming all high weeds, immediately. ("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, the City of Port Orange shall have the option to abate the violation as this is a health and safety concern. 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 \$64.97 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 and 2-213. 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 9 day of August, 2023.

Attest: *Scody*
Secretary, Code Enforcement Special Magistrate

By: *Subfflap*
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), 1112 BAYVIEW LANE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 9 day of AUGUST, 2023.

Scody
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/had not been redacted pursuant to Florida Law.
This 9 day of August, 2023
By: *Scody*

Case Cost Sheet Log

Case No. 23-0626

Name	Activity	Activity_Date	Status	Cost
Geraldine Jones Life Estate	Cost to mail Notice of Violation and Notice of Hearings	07/12/2023	No returned mail	\$9.16
Clerk of Court	Cost to record Finding of Fact	08/23/2023		\$29.25
Geraldine Jones Life Estate	Cost to mail Finding of Fact	08/23/2023	no mail/receipts returned	\$9.16
Clerk of Court	Fee to record Order Imposing/Fine and Lien	09/27/2023		\$46.25
Geraldine Jones Life Estate	Cost to mail Order Imposing/Fine and Lien	09/27/2023		\$9.16

Total: \$102.98



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0626

To: Geraldine Jones Life Estate
1237 Edna Drive
Port Orange, FL 32129

Re: 1237 Edna Drive
Port Orange, FL 32129
Parcel ID: 6307-04-00-0560

LEGAL DESCRIPTION: LOT 56 WILLOW RUN UNIT 3 MB 35 PG 185 PER OR 5216 PG 3592 PER OR 6038 PGS 0839-0840

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 8, 2023, indicates that certain violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below-stated violation(s) must be **corrected immediately**, by doing the following: **1.) The entire property needs to be mowed, all weeds and undergrowth removed, and all the debris blown back on to the property; 2.) Clean up and remove all garbage, trash and debris from the property; 3.) All outside stored items must be properly stored inside an enclosed building or removed from the property.**

You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on June 8, 2022, under Case No. 22-0489.

A fine up to \$5,000 per day per violation for a repeat violation may be assessed by the Special Magistrate beginning from the date of this Notice.

Once you have caused the violation(s) to be corrected, you must request a re-inspection by the Code Enforcement Officer (Code Compliance Inspector) 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 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.**(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes

that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds, grass, and undergrowth (vines).
2. **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 various pieces of garbage, trash, and debris on site.
3. **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 (included but not limited to pots and pans, planters not being used, screens and other items).

This case shall be presented to the Special Magistrate even if the violation(s) has been corrected prior to the scheduled hearing date below.

NOTICE OF HEARING AS TO REPEAT 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 August 23, 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 in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer (code inspector). 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.

A certified copy of the 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(s) 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 \$ 9.16 as indicated on the cost sheet submitted into evidence. The respondent shall 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 **August 23, 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 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **September 27, 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- 5616.

DATED this 12th day of July, 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 Geraldine Jones Life Estate, 1237 Edna Drive, Port Orange, FL 32129, Re: 1237 Edna Drive, Port Orange, FL 32129, RE: 1237 Edna Drive, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand-delivered documents: _____

☒ Posted at the property

this 12th day of July, 2023.

[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 Geraldine Jones Life Estate, 1237 Edna Drive, Port Orange, FL 32129, Re: 1237 Edna Drive, Port Orange, FL 32129, RE: 1237 Edna Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular mail

this 12 day of July, 2023.

[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. 23-0626**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

GERALDINE JONES LIFE ESTATE
1237 EDNA DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6307-04-00-0560

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 August 23, 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, GERALDINE JONES LIFE ESTATE, whose mailing address is 1237 EDNA DRIVE, PORT ORANGE, FL 32129 is the owner of the property located at 1237 EDNA DRIVE, PORT ORANGE, FL 32129, and more particularly described as:

LOT 56 WILLOW RUN UNIT 3 MB 35 PG 185 PER OR 5216 PG 3592 PER OR 6038 PGS
0839-0840

B. The violation was to be corrected by mowing the entire property, removing all weeds and undergrowth, blowing all debris back onto the property, cleaning up and removing all garbage, trash, and debris from the property, and properly storing all outside storage in an enclosed building. This condition was first observed at the real property described above on June 8, 2023; re-inspection was conducted on August 14, 2023 and August 22, 2023 and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on July 12, 2023, as well as posted on the property on July 12, 2023 that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages, (f) Garbage, waste, trash, etc. prohibited, of

the City of Port Orange Code of Ordinances and 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 and were to be corrected immediately.

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.

E. You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on June 8, 2022 under Case No. 22-0489.

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/are therefore subject to the provisions of the City of Port Orange Municipal Code 2-207.

ORDER:

A. Respondent(s) shall correct the aforesaid repeat violation by mowing the entire property, removing all weeds and undergrowth, blowing all debris back onto the property, cleaning up and removing all garbage, trash, and debris from the property, and properly storing all outside storage in an enclosed building, immediately. ("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, the City of Port Orange shall have the option to abate the violations as this is a health and safety concern. 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 \$47.57 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 and 2-213. Failure to comply with this Order shall result in the issuance of an Order

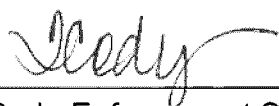
Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 23 day of August, 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), GERALDINE JONES LIFE ESTATE, 1237 EDNA DRIVE, PORT ORANGE, FL 32129 by Certified and Regular Mail this 23 day of AUGUST, 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 23 day of August, 2023
By: 