



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, August 10, 2016 **Time:** 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1115

Respondent: Erika Sipe

Address of Violation: 1155 Viking Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/11/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article 2:

Garbage, Junk, and Undergrowth, Chapter 42 Nuisances, Section 42-26 -
Cleanliness of property general duty of owner (d) Maintenance of improved residential
lots;

Garbage, Junk, and Undergrowth Chapter 42 Nuisances, Section 42-32 - Storage of
vehicles, furniture, etc.; and

Stopping, Standing, and Parking, Chapter 70 Traffic, Section 70-49 Restrictions on
disabled or abandoned vehicles, (c) Restrictions

4. **CEB Case No.:** 16-1059

Respondent: Scott T. Gilroy

Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/11/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article 2, Garbage, Junk, and Undergrowth, Chapter 42 Nuisances, Section 42-26 - Cleanliness of property general duty of owner (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc. prohibited.

5. **CEB Case No.:** 16-1050

Respondent: Alex Reeber

Address of Violation: 895 Nixon Lane, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 06/30/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 70, Section 70-47 - Parking of commercial vehicles on residential premises.

C. ORDER IMPOSING FINE/LIEN

6. **CEB Case No.:** 15-1481

Respondent: Judith Anderson

Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/14/2016

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises, (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 of the 2015 International Property Maintenance Code as adopted

per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JULY 27, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:01 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Deborah Faircloth, Code Compliance Inspector
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the July 13, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph and Deborah Faircloth were sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1481 (Continued from June 8, 2016 & July 13, 2016)
Respondent: Judith Anderson
Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 07/15/2016

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises, (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment),

108.1.3 of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph was sworn in by Special Magistrate Branch.

Michael Ciocchetti, Attorney for Code Enforcement, discussed service of the notice provided to the lienholder, Citifinancial Servicing, LLC, through the registered agent in Delaware.

Brief recess taken to confer with Matthew Jones, Deputy City Attorney, City of Port Orange regarding proper service for a Florida business.

Mr. Ciocchetti discussed service regarding Citifinancial Servicing, LLC based on the City's Ordinance for demolition rather than the Florida Statute. He suggested an Order to Show Cause be entered and served on the lienholder through the Florida Registered Agent. He believes the notice is sufficient but out of extreme caution, would agree to the Order to Show Cause so the lienholder has time to respond without another hearing being held. Mr. Jones suggested an Order with a 10-day limit to respond if the Special Magistrate doesn't believe notice is sufficient. Ms. Joseph presented the proof of service to Citifinancial Servicing, LLC via FedEx. Special Magistrate Branch is satisfied that sufficient notice has been provided based on the City's Ordinance. Special Magistrate Branch granted an Order to Appear on August 10, 2016 to demonstrate why the property should not be demolished and Order to Demolish within 10 days to be serviced to the Registered Agent in Florida.

4. **CEB Case No.:** 16-292 (Continued from June 22, 2016)
Respondent: Charles & Peggy Collins
Address of Violation: 5481 Pineland Ave., Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 05/10/2016

Compliance: No

Cited for violation(s) - Code Violation Section(s) City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(d) Maintenance of improved residential lots;

Code Violation Section(s) City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and

Code Violation Section(s) City of Port Orange Code of Ordinances, Article II, Section 42-32 Storage of vehicles, furniture, etc.

Ms. Faircloth was sworn in by Special Magistrate Branch and testified as to the condition of the property and the notices provided to the property owner. Photographs were presented by Ms. Faircloth depicting the violations as she observed. Ms. Faircloth has withdrawn the allegation relating to the all-terrain vehicle stored next to the home.

Ms. Faircloth recommended the property owners be found in violation of the cited violations and order the property owners to comply with the City's Codes on or before August 6, 2016 or a fine in the amount of \$100.00 per day shall be ordered. Ms. Faircloth requested costs in the amount of \$56.36 be awarded to the City. Special Magistrate Branch admitted the photos into evidence and granted the recommendation as presented, with the exception of the \$100.00 per day and excluded the "dune buggy" from the stated violations because it is an acceptable all-terrain vehicle according to Florida Statutes. Special Magistrate Branch awarded a one-time fine of \$500.00 if compliance is not met by August 6, 2016.

5. **CEB Case No.:** 16-290

Respondent: Denise G. Nadeau

Address of Violation: 768 Greenfield Drive, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 06/15/2016

Compliance: ~~No~~-Yes

Cited for violation(s) - Fifth Edition (2014) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

Ms. Joseph testified as to the property being in compliance with the notice and requested a dismissal. Special Magistrate Branch granted the dismissal request.

ORDER IMPOSING FINE/LIEN

6. **CEB Case No.:** 16-276 (Continued from June 8, 2016 & July 13, 2016)

Respondent: Vicki L. Bassett

Address of Violation: 909 Tree Garden Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/11/2016

Compliance: Yes

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

Ms. Joseph testified as to the property being in compliance with the notice and requested a dismissal. Special Magistrate Branch granted the dismissal request.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:03 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-1115

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	08/10/2016		\$27.00
Erika Sipe	Mailing recorded Finding of Fact, Conclusion of Law & Order to 1155 Viking Drive, Port Orange, FL 32129 (certified & regular)	08/10/2016		\$7.34

Total: 34.34



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1115

To: Erika Sipe
Re: 1155 Viking Drive
Port Orange, FL 32129
Parcel ID: 6306-05-00-0390
LEGAL DESCRIPTION: LOT 39 VIKING SUB II MB 41 PG 7 PER OR 5214 PG 2838
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 30, 2016, 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 July 21, 2016.

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

1. City of Port Orange Code of Ordinances, Article 2 Garbage Junk and Undergrowth, Chapter 42 Nuisances, Sec. 42-26. - Cleanliness of property generally—Duty of owner (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten 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 property needs to be mowed and all high weeds and grass trimmed.
2. City of Port Orange Code of Ordinances, Article 2 Garbage Junk and Undergrowth Chapter 42 Nuisances, Sec. 42-32. - Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - All outside storage on the property needs to be properly stored in an enclosed building.
3. City of Port Orange Code of Ordinances, Article 2 Stopping, Standing, and Parking, Chapter 70 Traffic, Section 70-49 Restrictions on disabled or abandoned vehicles, (c) Restrictions (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.(2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - Disabled/unregistered vehicle must be covered with a standard vehicle cover or parked in an enclosed garage.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate August 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

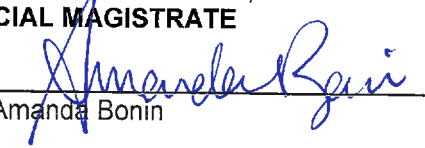
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 10, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 11th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

P I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Erika Sipe 1155 Viking Drive Port Orange, FL 32129, RE: 1155 Viking Drive Port Orange, FL 32129, was

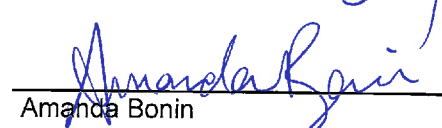
☒ Hand-delivered

Recipient of hand delivered documents: Erika Sipe

☐ Posted at the property

Time: approx. 2:37 pm

this 11th day of July, 2016.

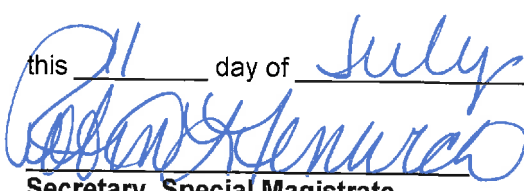

Amanda Bonin

P I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Erika Sipe 1155 Viking Drive Port Orange, FL 32129, RE: 1155 Viking Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 11 day of July, 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

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



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Parcel Information: 6306-05-00-0390 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	4893164	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6306-05-00-0390	Mill Group	402 Port Orange
Full Parcel ID	06-16-33-05-00-0390	2015 Final Mill Rate	20.86510
Created Date	08 JAN 1987		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	SIPE ERIKA		
Owner Name/Address 1			
Owner Address 2	1155 VIKING DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	1155 VIKING DR PORT ORANGE 32129		

Legal Description

LOT 39 VIKING SUB II MB 41 PG 7 PER OR 5214 PG 2838

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5214 2838	11/2003	Warranty Deed	Qualified Sale	Yes	120,000
3058 0094	11/1987	Warranty Deed	Qualified Sale	Yes	73,600
2972 1556	04/1987	Warranty Deed	Multi parcel sale	Yes	30,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,200	110,403	0	125,603	102,989	102,989	25,000	77,989	25,000	52,989
2014	15,200	99,263	0	114,463	102,172	102,172	25,000	77,172	25,000	52,172

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	80.0	106.0	80.00	FRONT FEET	190.00	100	100	100	100	15,200
Neighborhood	5983 SANDLEWOOD ESTS UTS I & 2										
											0
											15,200

Building Characteristics

Building Number: 155293 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
155293	Single Family	196	1987	300		14%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	3	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1987	N	0%	0%	1685 Sq. Feet
002	Finished Garage (FGR)	Non-Applicable	1.0	1987	N	0%	0%	528 Sq. Feet
003	Porch, Open Finished (FOP)	Non-Applicable	1.0	1987	N	0%	0%	20 Sq. Feet
004	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1987	N	0%	0%	200 Sq. Feet

Record 6.00
Doc 840.00

11/28/2003 02:30 PM
Doc stamps 840.00
(Transfer Amt \$ 120000)
Instrument# 2003-300278
Book: 5214
Page: 2838
Diane M. Matousek
Volusia County, Clerk of Court

THIS INSTRUMENT PREPARED BY AND RETURN TO:

MARLENE SPENCE
PONCE INLET TITLE, INC.
464 SO. RIDGEWOOD AVE.
DAYTONA BEACH, FL. 32114
Property Appraisers Parcel Identification (Folio) Numbers: [REDACTED]
Grantee SS #:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 17th day of November, 2003 by HAROLD L. RANKIN and MURIEL J. RANKIN, husband and wife, herein called the grantors, to ERIKA SIPE, AN UNMARRIED WOMAN, whose post office address is 1155 VIKING DRIVE, PORT ORANGE, FL. 32129, hereinafter called the Grantee:
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in VOLUSIA County, State of Florida, viz.:

LOT 39, VIKING SUBDIVISION II, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 41, PAGE 7, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

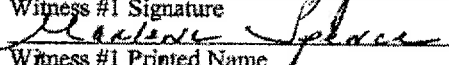
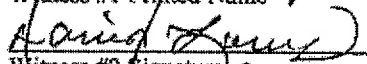
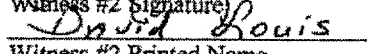
TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

AND, the grantors hereby covenant with said grantee that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2001.

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

Signed, sealed and delivered in the presence of:


Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature

Witness #2 Printed Name

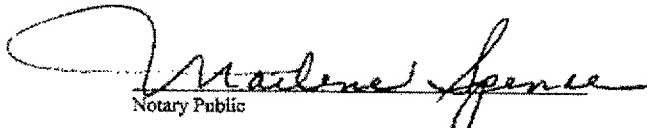

HAROLD L. RANKIN

MURIEL J. RANKIN

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 17th day of November, 2003 by HAROLD L. RANKIN and MURIEL J. RANKIN, HUSBAND AND WIFE, who are personally known to me or have produced driver's licenses as identification.

SEAL


Notary Public

Printed Notary Name

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

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

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

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

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

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

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

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

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

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

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

(Code 1981, § 10-7)

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

(a) Findings of fact.

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

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

- (1) Code inspector shall be defined as provided in F.S. § 162.04.
- (2) Disabled or abandoned vehicle means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) Owner or occupant includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) Parked means the standing of a vehicle, whether occupied or not, otherwise than

temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.

(5) Standard vehicle cover means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.

(6) Vehicle shall be defined as provided in F.S. § 316.003.

(c) Restrictions.

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

a. Within a completely enclosed garage; or

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

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

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

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

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

(Ord. No. 1998-23, § 1, 7-21-98)

Case Cost Sheet Log

Case No. 16-1059

Name	Activity	Activity_Date	Status	Cost
Scott T. Gilroy	Notice of Violation/Notice of Hearings mailed to Respondent at 104 Tumbler Drive, Port Orange, FL 32129 (certified & regular)	07/11/2016	Certified mail returned "unable to forward"	\$7.34
Clerk of Court	Recording fee - Finding of Fact, Conclusion of Law & Order	08/10/2016		\$27.00
Scott T. Gilroy	Finding of Fact, Conclusion of Law & Order mailed to Respondent at 104 Tumbler Drive, Port Orange, FL 32129 (certified & regular)	08/10/2016		\$7.34

Total: 41.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1059

To: Scott T Gilroy
104 Tumbler Drive
Port Orange, FL 32129

Re: 104 Tumbler Drive
Port Orange, FL 32129
Parcel ID: 6308-03-00-1040

LEGAL DESCRIPTION: LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 29, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on July 5, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by July 21, 2016.

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

1. City of Port Orange Code of Ordinances, Chapter 42 Nuisances Article 2 Garbage Junk and Undergrowth, Sec. 42-26. - Cleanliness of property generally—Duty of owner. (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten 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 entire yard needs to be mowed and all high weeds and grass need to be trimmed.
2. City of Port Orange Code of Ordinances, Garbage Junk and Undergrowth, Chapter 42 Nuisances Sec. 42-26. - Cleanliness of property generally—Duty of owner. (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris, and junk.
 - All trash and debris on site needs to be removed, including but not limited to; newspapers, pennysavers, yard debris etc.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate August 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.34 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

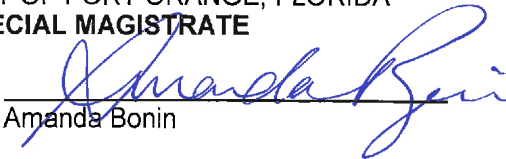
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 10, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 11th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

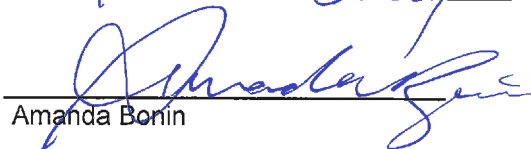
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 11th day of July, 2016.

Time: approx. 2:25 pm


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 11 day of July, 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

09/25/2002 15:29
Doc stamps 938.00

Return to:
Name:
Address:

(Transfer Amt \$ 134000)
Instrument # 2002-219247
Book: 4934
Page: 1679
Diane M. Matousek
Volusia County, Clerk of Court

This Instrument Prepared:

Andrea Swanto Boswell, C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

6308-03-00-1040

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

File No:SB025780

WARRANTY DEED

This Warranty Deed Made the 20th day of September, 2002, by RANDY L. WILLIAMSON, hereinafter called the grantor, whose post office address is: 183 SIDDINGTON WAY, LEXINGTON, South Carolina 29073

to SCOTT T. GILROY, whose post office address is: 104 TUMBLER DR., PORT ORANGE, Florida 32129, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

LOT 104, BRANDY HILLS - UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 34, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is not the homestead of the Grantor(s) nor does it lie adjacent or contiguous to his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2001, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name:

Denise A. Cochran
Denise A. Cochran

RANDY L. WILLIAMSON

Witness Signature:

Printed Name:

Debbie M. Siedschlag
Debbie M. Siedschlag

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

The foregoing instrument was acknowledged before me this 19th day of September, 2002, by RANDY L. WILLIAMSON who is/are personally known to me or who has/have produced driver license(s) as identification.

SOUTHERN TITLE

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

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

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

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

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

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

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

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

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

Case Cost Sheet Log

Case No. 16-1050

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Recording Fees - Finding of Fact, Conclusion of Law & Order	08/10/2016		\$27.00
Alex Reeber	Finding of Fact, Conclusion of Law & Order mailed to Alex Reeber at 895 Nixon Lane, Port Orange, FL 32129 (certified & regular)	08/10/2016		\$7.34

Total: 34.34



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1050

To: Alex Reeber
895 Nixon Lane
Port Orange, FL 32129

Re: 895 Nixon Lane
Port Orange, FL 32129

Parcel ID: 6337-04-00-0022

LEGAL DESCRIPTION: 37 16 33 LOT 2 EXC W 300 FT E 400 FT OF W 700 FT OF LOT 2A & E 300 FT OF W 600 FT OF S 190 FT OF LOT 3 EXC N 15 FT IN ST PLANTATION ACRES MB 23 PG 69 PER OR 4439 PG 2234 & PER OR 6499 PG 643 & PER OR 6530 PG 4362 PER OR 7167 PG 1180

Volusia County Public Records
Volusia County, FL

On June 29, 2016, I received an emailed copy of a photo dated June 27, 2016, with a complaint regarding the storage of a commercial vehicle on this property. Previously, on April 21, 2016, a female resident of 895 Nixon Lane met with Code Officer Dena Joseph regarding the same violation (Storage of commercial vehicles associated with a business on residential property) and additional violations that were received in a complaint. Although none of the violations were observed by Ms. Joseph at that time, she discussed them with the female resident (who stated she was Mrs. Reeber) and explained that commercial vehicles were not allowed to be stored on the property.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by July 5, 2016.

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

City of Port Orange Code of Ordinances, Chapter 70, Sec. 70-47. - Parking of commercial vehicles on residential premises.

- (a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use.
- (b) No commercial vehicle shall be parked on residential premises except for the following:
 - (1) A vehicle making deliveries to or servicing a dwelling unit.
 - (2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the premises on weekdays.
 - (3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m.
- (c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises.
 - (1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.

(Ord. No. 1993-40, § 1, 9-28-93; Ord. No. 2001-48, § 1, 7-24-01)

Simply stated, commercial vehicles are not allowed to be stored on residential properties.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate August 10, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 10, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 30th day of June, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By:

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Alex Reeber, 895 Nixon Lane, Port Orange, FL 32129, RE: 895 Nixon Lane, Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents:

JAEL ANN REEBER

☐ Posted at the property

this 30th day of June, 2016.

Time: approx. 2:15 pm

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Alex Reeber, 895 Nixon Lane, Port Orange, FL 32129, RE: 895 Nixon Lane, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 5th day of July, 2016.

Robert X. Murdoch
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Property Appraiser

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



Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Alternate Key Property Information

Parcel Information: 6337-04-00-0022 **2016 Working Tax Roll** Last Updated: 06-26-2016

Owner Name and Address

Alternate Key	3681029	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6337-04-00-0022	Mill Group	402 Port Orange
Full Parcel ID	37-16-33-04-00-0022	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	REEBER ALEX		
Owner Name/Address 1			
Owner Address 2	895 NIXON LANE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	895 NIXON LN PORT ORANGE 32129		

Legal Description

37 16 33 LOT 2 EXC W 300 FT E 400 FT OF W 700 FT OF LOT 2A & E 300 FT OF W 600 FT OF S 190 FT OF LOT 3 EXC N 15 FT IN ST PLANTATION ACRES MB 23 PG 69 PER OR 4439 PG 2234 & PER OR 6499 PG 643 & PER OR 6530 PG 4362 PER OR 7167 PG 1180

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7167 1180	09/2015	Quit Claim Deed	Unqualified Sale	Yes	100
6530 4362	10/2010	Quit Claim Deed	Unqualified Sale	Yes	100
6499 0643	07/2010	Final Judgment	Unqualified Sale	Yes	100
4439 2234	05/1999	Warranty Deed	Qualified Sale	Yes	90,000
1511 0426	12/1972	Warranty Deed	Qualified Sale	Yes	19,000
1511 426	12/1972	Warranty Deed	Unqualified Sale	Yes	19,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	132,495	31,478	2,936	166,909	107,554	107,554	25,000	82,554	25,000	57,554
2014	169,521	27,482	2,504	199,507	106,700	106,700	25,000	81,700	25,000	56,700

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0110	IMP PVD 2 - 4.99 AC	0.0	0.0	3.65	ACREAGE	36300.00	100	100	100	100	132,495
Neighborhood 5280 YE OLD SUGAR MILL (6337-03)											
Total Land Classified											0
Total Land Just											132,495

Building Characteristics

Building Number: 120042 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120042	Single Family	146	1956	250		55%	0%	0%	2999
Roof Type	FLAT	Floors		Cork/Vinyl Tile	Bedrooms	2	4	Fixture Bath	0
Roof Cover	TAR and GRAVEL	Wall Type		Plaster	X Fixture Bath	0	5	Fixture Bath	0
Heat Type1	None	Heat Source1		None	2 Fixture Bath	0	6	Fixture Bath	0
Heat Type2		Heat Source2			3 Fixture Bath	1	7	Fixture Bath	0
Foundation		Year Remodeled			Fireplaces	1	A/C		No
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1956	N	0%	0%	1118 Sq. Feet	
002	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1997	N	0%	0%	120 Sq. Feet	

PREPARED BY:
Ann W. Rogers, Esq.
533 N. Nova Road, Suite 104A
Ormond Beach, FL 32174

RETURN TO:
Alex Reeber
895 Nixon Lane
Port Orange, Florida 32129

THIS QUIT-CLAIM DEED, Executed this 16th day of September, 2015 by Shannon Reeber, an Unmarried Woman whose address is 221 Pine Cone Lane, Ormond Beach, Florida 32174 as **grantor** to Alex Reeber whose address is 895 Nixon Lane, Port Orange, Florida 32129 as **grantee**.

WITNESSETH, That said Grantor for and in consideration of the sum of \$10.00 and other good and valuable consideration to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the Grantee and Grantee's heirs forever the following described land located in the County of Volusia, State of Florida, to-wit:

SEE ATTACHED EXHIBIT A ATTACHED HERETO AND MADE A PART HEREOF

THIS quitclaim was done at the request of the grantee without benefit of title search and pursuant to a Final Judgment of Dissolution of Marriage dated July 27, 2010.

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

Signed, Sealed and Delivered in the presence of:

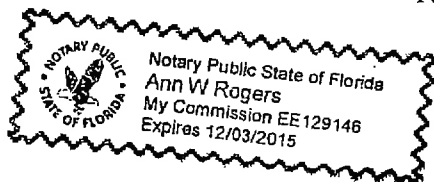
Ann W. Rogers
Witness #1 print: Ann W. Rogers

Shannon Reeber
Shannon Reeber

Rachel A. Rogers
Witness #2 print: Rachel A. Rogers

The foregoing instrument was acknowledged before me this 16th day of September, 2015 by Shannon Reeber who is personally known to me or produced Florida Driver's License as identification. W. Rogers

Ann W. Rogers
Notary Public



A portion of Lot 2, PLANTATION ACRES SUBDIVISION, according to the plat thereof, recorded in Map Book 23, page 69, of the Public Records of Volusia County, Florida, being more particularly described as follows: Commencing at a PK Nail & Disk LB #6877 at the intersection of the easterly right-of-way of Jackson Street and the northerly line of Lot 2, aforesaid; Thence N64°44'53"E, 300.19 feet along the northerly line of said Lot 2 to a 5/8" Iron Rod and Cap stamped RLS #3612 and the POINT OF BEGINNING; Thence continuing along said northerly line of Lot 2, N64°44'53"E, 469.33 feet to a 1/2" Iron Rod and Cap stamped LB #6877, and the northeasterly corner of Lot 2, aforesaid; Thence departing said northerly line S40°19'27"W, 366.11 feet, along the southeasterly line of Lot 2, aforesaid, to a 3/4" Iron Pipe (no identification) and the southerly corner of Lot 2, aforesaid; Thence S64°44'53"W, 134.83 feet along the southerly line of Lot 2, aforesaid, to a 1/2" Iron Rod & Cap stamped LB #6877; Thence N25°41'09"E, 152.10 feet departing said southerly line of Lot 2 to the POINT OF BEGINNING; Containing 1.05 acres, more or less. Bearing basis is assumed N64°44'53"E, along the northerly line of Lot 2, PLANTATION ACRES SUBDIVISION, aforesaid.

Exhibit A

Instrument# 2015-179605 # 2
Book: 7167
Page: 1181
Diane M. Matousek
Volusia County, Clerk of Court

Sec. 70-47. - Parking of commercial vehicles on residential premises.

- (a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use.
- (b) No commercial vehicle shall be parked on residential premises except for the following:
 - (1) A vehicle making deliveries to or servicing a dwelling unit.
 - (2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the premises on weekdays.
 - (3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m.
- (c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises.
 - (1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.

(Ord. No. 1993-40, § 1, 9-28-93; Ord. No. 2001-48, § 1, 7-24-01)

Case Cost Sheet Log**Case No. 15-1481**

Name	Activity	Activity_Date	Status	Cost
Judith Anderson	Mailing Notice of Violations/Notice of Hearing to 101 Aloha Terrace, Port Orange, FL 32129	03/17/2016	Green card signed for and returned to the Clerk's Office on 3/22/16	\$9.75
Daytona Beach News-Journal	Publication for demolition	04/08/2016	Published on April 8 & 15, 2016	\$664.47
Clerk of Court	Recording Fees - Finding of Fact/Conclusion of Law & Order	05/11/2016		\$27.00
CitiFinancial Servicing, LLC	Mailing Finding of Fact, Conclusion of Law and Order to 300 St. Paul Place, Legal Dept 17th Floor, Baltimore, MD 21202	06/06/2016	Green card signed on June 16, 2016 by Robin Erickson	\$6.46
Judith Anderson	Mailing Notice of Violations/Notice of Hearing to 101 Aloha Terrace, Port Orange, FL 32129	07/14/2016	Returned unclaimed	\$7.34
CitiFinancial Servicing, LLC c/o The Corporation Trust Company, RA	Federal Express - Mailing Notice of Violations/Notice of Hearing to 1209 Orange Street, Wilmington, DE 19801	07/15/2016	Signed for on July 18, 2016 at 9:23 a.m.	\$11.70
Judith Anderson	Order mailed to Respondent to 101 Aloha Terrace, Port Orange, FL 32129 (certified & regular)	07/29/2016	No mail returned to the City Clerk	\$7.34
Citifinancial Servicing, LLC c/o The Corporation Trust Co, RA	Order mailed to 1209 Orange Street, Wilmington, DE 19801	07/29/2016	No mail returned to City Clerk	\$7.34
Citifinancial Servicing, LLC s/o CT Corporation System, RA	Order mailed to 1200 S. Pine Island Road, Plantation, FL 33324	07/29/2016	Green card signed for on 8/1/16	\$7.34
Citifinancial Servicing, LLC	Order mailed to 300 St. Paul Place, 17th Floor, Baltimore, MD 21202	07/29/2016	No mail returned to the City Clerk	\$7.34

Total: 756.08



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Re: 156 Sand Pebble Circle
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700

LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Volusia County Public Records
Volusia County, FL

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

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

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

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

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

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures), 108.6 (Abatement methods) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

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

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

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

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

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

Initial inspection conducted on **August 24, 2015** after receiving a complaint from several neighbors stating that the structure partially burnt down, and that they are very concerned. They stated that it is bringing their property values down and the smell and rodents are a big concern. Inspection revealed that the fire affected the rear of the structure. Home is not occupied. I am unsure whether or not the structure can be salvaged. In addition to the fire damage, there is a substantial amount of outside storage and garbage, trash and debris. The grass and weeds are very high and there is an unregistered/abandoned truck in the driveway. I left a 30 day door hanger informing residents that they must mow the entire property to include weeds in landscaped areas, remove or properly store all outside storage, remove all trash and debris, properly register, store, or cover inoperable/abandoned vehicle in the driveway, and properly secure the structure. I also asked that I be notified regarding whether or not the structure is due to be demolished. A re-inspection was conducted on **October 15, 2015** and none of the violations have been corrected and I have not been contacted by the owner of the property.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 14, 2016 by mowing entire property to include weeds in landscaped beds and around exterior of home and fence, removing all outside storage, and removing all garbage, trash and debris. The mobile home shall be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures.

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

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

NOTE:

THE BURDEN SHALL REST UPON THE RESPONDENT TO REQUEST A RE-INSPECTION BY THE CODE COMPLIANCE INSPECTOR TO DETERMINE WHETHER THE PROPERTY IS IN COMPLIANCE. IF YOU DO NOT REQUEST A RE-INSPECTION, IT WILL BE ASSUMED THAT THE PROPERTY IS STILL IN VIOLATION AND THE CASE WILL CONTINUE TO BE HEARD AT THE SPECIAL MAGISTRATE MEETING ON THE DATE LISTED IN THIS NOTICE.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on April 27, 2016 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

's 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 \$ 7.39 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 **April 27, 2016** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on June 8, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 14th day of March, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Judith Anderson, Property Owner, 101 Aloha Terrace Port Orange, FL 32129**, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of March, 2016.

Time: approx. 12:08 PM

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Judith Anderson, Property Owner, 101 Aloha Terrace, Port Orange, FL 32129**, was

☐ Posted at City Hall

☒ Sent via certified regular mail

this 17 day of March, 2016.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6305-03-00-1700 2016 Working Tax Roll Last Updated: 03-13-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Fee Simple	Ownership Percent	100
Owner Name	ANDERSON JUDITH A		
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128	0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397	0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860	1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet		Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type	Plywood Panel		X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1	Electricity		2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
006	Res BASE Area (BAS)	VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009	Unfinished Utility (UST)	Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010	Carport, Unfinished (UCP)	Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

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

Lot 170 BAREFOOT PARK MB 31 Pg P 662 PER OR
3397 PG 0786 PER OR 5221 PG 0742
Parcel # 6306-03-00-1700

KNOWN as 156 SAND Pebble Circle, Ft Orange FL 32129



Signature of Witness

Myles Liller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P Pippin

Print name of First Party

Sarah P Pippin

Signature of First Party

SARAH P Pippin

Print name of First Party

State of Maryland }

County of Kent

On June 10, 2015 before me,

appeared Sarah P Pippin

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

WITNESS my hand and official seal.

Karen J Zottarelli

Signature of Notary

Affiant ☒ Known

Type of ID

Produced ID

CO

(Seal)

State of

County of

On

before me,

appeared

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

WITNESS my hand and official seal.

Signature of Notary

Affiant _____ Known _____ Produced ID

Type of ID

(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

Unique ID CF[REDACTED]CB
 Official Unique Id CF[REDACTED]3

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: [Signature]

Nadine Homan
 VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

[Signature]
 Danielle Burns

[Signature]
 Susan Schotsch

(Seal)



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

[Signature]
 Nicole Baldwin
 Notary Public - State of FLORIDA
 Commission expires: 08/05/2016



Nicole Baldwin
 Notary Public State of Florida
 My Commission # EE 222285
 Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152

CF001 [REDACTED] *C* -- DEFAULT DOCR [REDACTED] [C-1] FRMFL1



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

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

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

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

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

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



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SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General.

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

[A] 108.1.1 Unsafe structures.

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

[A] 108.1.2 Unsafe equipment.

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

[A] 108.1.3 Structure unfit for human occupancy.

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

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

[A] 108.1.4 Unlawful structure.

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

[A] 108.1.5 Dangerous structure or premises.

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

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

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

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

[A] 108.2 Closing of vacant structures.

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

[A] 108.2.1 Authority to disconnect service utilities.

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

[A] 108.3 Notice.

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

[A] 108.4 Placarding.

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

[A] 108.4.1 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.

[A] 108.5 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 any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] 108.6 Abatement methods.

The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] 108.7 Record.

The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

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SECTION 109 EMERGENCY MEASURES

[A] 109.1 Imminent danger.

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

[A] 109.2 Temporary safeguards.

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

[A] 109.3 Closing streets.

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

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302.1 Sanitation.

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

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304.1 General.

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

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SECTION 304 EXTERIOR STRUCTURE

304.1 General.

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

304.1.1 Unsafe conditions.

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;

9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

304.2 Protective treatment.

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

[F] 304.3 Premises identification.

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

304.4 Structural members.

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

304.5 Foundation walls.

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

304.6 Exterior walls.

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

304.7 Roofs and drainage.

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

304.8 Decorative features.

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

304.9 Overhang extensions.

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

304.10 Stairways, decks, porches and balconies.

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

304.11 Chimneys and towers.

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

304.12 Handrails and guards.

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

304.13 Window, skylight and door frames.

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

304.13.1 Glazing.

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

304.13.2 Openable windows.

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

304.14 Insect screens.

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

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

304.15 Doors.

All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with [Section 702.3](#).

304.16 Basement hatchways.

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

304.17 Guards for basement windows.

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

304.18 Building security.

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

304.18.1 Doors.

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

304.18.2 Windows.

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

304.18.3 Basement hatchways.

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

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[International Property Maintenance Code](#)
[\[2012 \(Second Printing\) \]](#)

[Chapter 3 - General Requirements](#)

- [SECTION 301 GENERAL](#)
- [SECTION 302 EXTERIOR PROPERTY AREAS](#)
- [SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS](#)
- [SECTION 304 EXTERIOR STRUCTURE](#)
- [SECTION 305 INTERIOR STRUCTURE](#)
- [SECTION 306 COMPONENT SERVICEABILITY](#)
- [SECTION 307 HANDRAILS AND GUARDRAILS](#)
- [SECTION 308 RUBBISH AND GARBAGE](#)
- [SECTION 309 PEST ELIMINATION](#)

[305.1 General.](#)

[305.2 Structural members.](#)

[305.3 Interior surfaces.](#)

[305.4 Stairs and walking surfaces.](#)

[305.5 Handrails and guards.](#)

[305.6 Interior doors.](#)

[305.1 General.](#)

[305.2 Structural members.](#)

[305.3 Interior surfaces.](#)

[305.4 Stairs and walking surfaces.](#)

[305.5 Handrails and guards.](#)

[305.6 Interior doors.](#)

[Top](#) [Previous Section](#) [Next Section](#) To view the next subsection please select the Next Section option.

SECTION 305 INTERIOR STRUCTURE

305.1 General.

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

305.1.1 Unsafe conditions.

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

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[Chapter 6 - Mechanical and Electrical](#)

[Requirements](#)

- [SECTION 601 GENERAL](#)
- [SECTION 602 HEATING FACILITIES](#)
- [SECTION 603 MECHANICAL EQUIPMENT](#)
- [SECTION 604 ELECTRICAL FACILITIES](#)
- [SECTION 605 ELECTRICAL EQUIPMENT](#)
- [SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS](#)
- [SECTION 607 DUCT SYSTEMS](#)

[604.1 Facilities required.](#)

[604.2 Service.](#)

[604.3 Electrical system hazards.](#)

[604.1 Facilities required.](#)

[604.2 Service.](#)

[604.3 Electrical system hazards.](#)

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option.

To view the next subsection please select the Next Section

SECTION 604 ELECTRICAL FACILITIES

604.1 Facilities required.

Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and [Section 605](#).

604.2 Service.

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

604.3 Electrical system hazards.

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

604.3.1 Abatement of electrical hazards associated with water exposure.

The provisions of this section shall govern the repair and replacement of electrical systems and equipment that have been exposed to water.

604.3.1.1 Electrical equipment.

Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable,

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[Chapter 6 - Mechanical and Electrical](#)

[Requirements](#)

- [SECTION 601 GENERAL](#)
- [SECTION 602 HEATING FACILITIES](#)
- [SECTION 603 MECHANICAL EQUIPMENT](#)
- [SECTION 604 ELECTRICAL FACILITIES](#)
- [SECTION 605 ELECTRICAL EQUIPMENT](#)
- [SECTION 606 ELEVATORS, ESCALATORS AND DUMBWAITERS](#)
- [SECTION 607 DUCT SYSTEMS](#)

[605.1 Installation.](#)

[605.2 Receptacles.](#)

[605.3 Luminaires.](#)

[605.4 Wiring.](#)

[605.1 Installation.](#)

[605.2 Receptacles.](#)

[605.3 Luminaires.](#)

[605.4 Wiring.](#)

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SECTION 605 ELECTRICAL EQUIPMENT

605.1 Installation.

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

605.2 Receptacles.

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

605.3 Luminaires.

Every public hall, interior stairway, *toilet room*, kitchen, *bathroom*, laundry room, boiler room and furnace room shall contain at least one electric luminaire. Pool and spa luminaries over 15 V shall have ground fault circuit interrupter protection.

605.4 Wiring.

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 27, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Judith Anderson, whose mailing address is 101 Aloha Terrace, Port Orange, FL 32129, is/are the owner(s) of the property located at 156 Sand Pebble Circle, Port Orange, FL 32129, and more particularly described as:

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742
PER OR 7128 PG 0843

B. The structure partially burnt down, there is outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck. This condition was first observed at the real property described above on August 24, 2015; re-inspections made on October 15, 2016 confirmed the condition as being the same. Respondent, Judith Anderson, received notice via regular and certified mail and posting at City Hall on March 17, 2016, as well as via posting on the property on March 14, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger). Chapter 3 (General Requirements), Section 302

(Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), 304.13 (Window, skylight and door frames), 304.15 (Doors), Section 305 (Interior Structure), 305.1 (General), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities) 604.1 (Facilities Required), Section 605 (Electrical Equipment) 605.1 (Installation), and was to be corrected by April 14, 2016.

C. At the time of the hearing on April 27, 2016, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Judith Anderson, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), Section 305 (Interior Structure), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), Section 605 (Electrical Equipment), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the structure being partially burnt down, there being outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

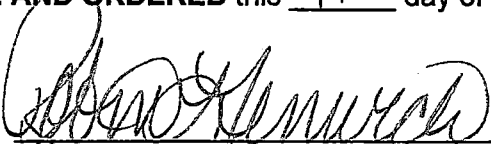
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition with the costs being assessed as a lien against the property. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$707.68 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 11 day of May, 2016.

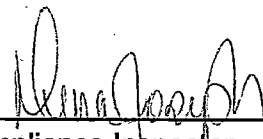
Attest:


Secretary, Code Enforcement Special Magistrate

By:

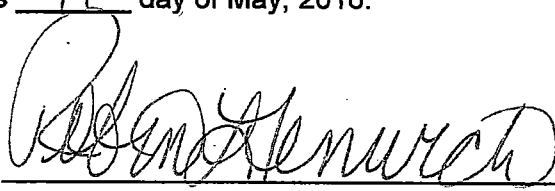
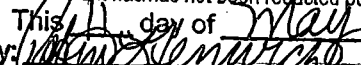

Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.



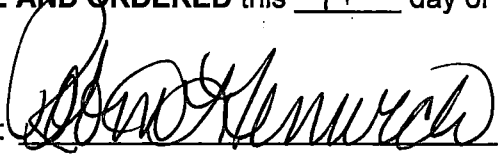

Secretary, Code Enforcement Special Magistrate
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 11 day of May, 2016.
By: 
/s/ Robin L. Fenwick

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

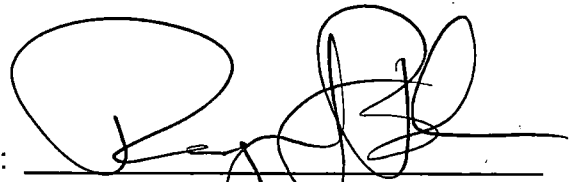
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 11 day of May, 2016.

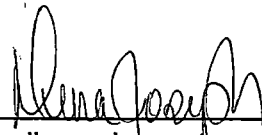
Attest:


Secretary, Code Enforcement Special Magistrate

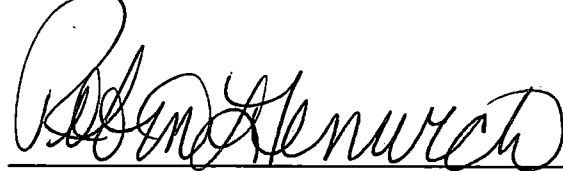
By:


Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.


Secretary, Code Enforcement Special Magistrate



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER
1209 ORANGE ST
WILMINGTON, DE 19801

Re: 156 Sand Pebble
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700

LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER
OR 7128 PG 0843

Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by the Building Official Kerry Leuzinger.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on August 24, 2015 indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations on March 14, 2016 and given 30 days to correct. A re-inspection was done on April 25, 2016 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 25, 2016**. Due to the nature of the violations dealing with the unsafe mobile home structure that was destroyed in a fire, this case is to be considered a health and safety hazard. The structure must be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of the City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures. If the violations are not corrected, the city reserves the right to demolish the structure and place a lien against the property for all costs of abatement.

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

1. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
2. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.5 (Dangerous Structure or Premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
3. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.3 of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, 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.
4. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II 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 purposes 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 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.

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 27, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ _____ 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.

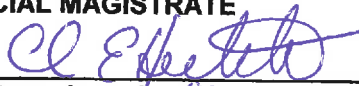
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 27, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 15th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
~~Dena Joseph~~ Chris Hutchison

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this _____ day of _____, 2016.

Time: approx. _____

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202 was

☒ Posted at City Hall

FedEx
☒ Sent via ~~certified~~ and regular

this 15 day of July, 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6305-03-00-1700 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate		
Owner Name	ANDERSON JUDITH A	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128 0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397 0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860 1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C			Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
006 Res BASE Area (BAS)		VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009 Unfinished Utility (UST)		Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010 Carport, Unfinished (UCP)		Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

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

Lot 170 Barefoot Park MB 31 Pg P 662 PER OR
3397 PG 0786 PER OR 5221 PG 0742
Parcel # 6305-03-00-1700

Known as 156 Sand Pebble Circle, Ft Orange FL 32129



Signature of Witness

Myles Liller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P. Phippen

Print name of First Party

Sarah P. Phippen

Signature of First Party

SARAH P. Phippen

Print name of First Party

State of Maryland

County of Kent

On June 10, 2015 before me,

appeared Sarah P. Phippen

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

WITNESS my hand and official seal.

Karen J. Zottarelli

Signature of Notary

Affiant ☒ Known ☐ Produced ID ☐
Type of ID _____



State of _____

County of _____

On _____ before me,

appeared _____

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

WITNESS my hand and official seal.

Signature of Notary

Affiant _____ Known _____ Produced ID _____

Type of ID _____
(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: [Signature]

Nadine Homan
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

[Signature]
Danielle Burns

[Signature]
Susan Schotsch

(Seal)



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

[Signature]
Nicole Baldwin
Notary Public - State of FLORIDA
Commission expires: 08/05/2016



Nicole Baldwin
Notary Public State of Florida
My Commission # EE 222285
Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152
CF001 [REDACTED] *C* -- DEFAULT DOCR T [REDACTED] [C-1] FRMFL1



D0012982291

[A] **107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] **107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] **107.6 Transfer of ownership.** It shall be unlawful for the owner of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] **108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

 [A] **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

 [A] **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

Sec. 42-108. - Unsafe conditions; nuisance.

(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.

(Ord. No. 2015-37, § 1, 11-3-2015)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

Respondent.

_____ /

**ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND
NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on July 27, 2016 and the Special Magistrate having previously entered its Findings of Fact, Conclusions of Law, and Order, attached hereto as Exhibit "A" and incorporated herein by reference, after public hearing on April 27, 2016 ("April 27 ORDER"), it is ordered as follows:

FINDINGS OF FACT:

A. The Special Magistrate April 27 ORDER directed Respondent JUDITH ANDERSON to, *inter alia*, correct all violations set forth in the April 27 ORDER on or before May 27, 2016.

B. The April 27 ORDER further held as follows:

In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, **the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition** with the costs being assessed as a lien against the property. (emphasis added).

C. On or about July 13, 2016, Petitioner served its Notice of Violation ("Notice"), attached hereto as Exhibit "B", to the mortgage holder, Citifinancial Servicing LLC ("Citi"). The aforementioned Notice advised Citi, *inter alia*, that the subject property had been deemed an unsafe structure by the Chief Building Official and the relief sought by Petitioner is demolition of the unsafe structure.

D. The Notice provided Citi with an opportunity to correct all violations. In addition, the Notice advised Citi of a public hearing regarding the violations to be held July 27, 2016. Neither Citi nor the Respondent attended the aforementioned public hearing.

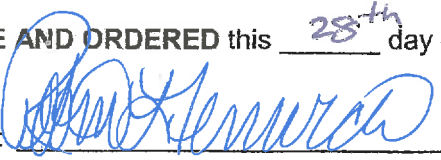
ORDER:

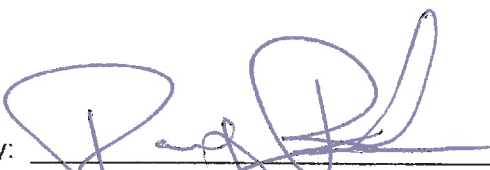
A. Considering the foregoing, Citifinancial Servicing LLC shall appear before the Special Magistrate during the public hearing to be held August 10, 2016 and demonstrate why the subject property should not be demolished.

B. Citifinancial Servicing LLC is hereby put on notice that the Special Magistrate will take under consideration the Petitioner's request for an order granting Petitioner authority to demolish the unsafe structure during the public hearing to be held August 10, 2016.

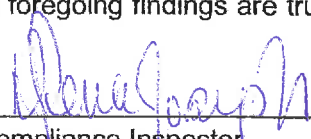
C. The public hearing before the Code Enforcement Special Magistrate will be held on **August 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida.

DONE AND ORDERED this 28th day of July, 2016.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

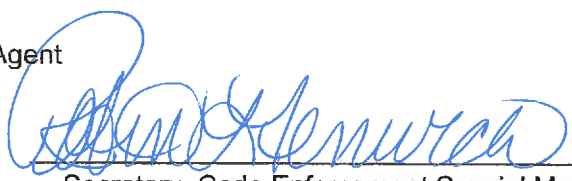
I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH has been furnished to the below recipients by Certified and Regular Mail this 29 day of July, 2016.

Respondent Judith Anderson
101 Aloha Terrace
Port Orange, FL 32129

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER 1209 ORANGE ST
WILMINGTON, DE 19801

CITIFINANCIAL SERVICING LLC
C/O C T CORPORATION SYSTEM, Registered Agent
1200 SOUTH PINE ISLAND ROAD
PLANTATION, FL 33324


Secretary, Code Enforcement Special Magistrate



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-1481

To: Judith Anderson
Property Owner
101 Aloha Terrace
Port Orange, FL 32129

Citifinancial Servicing LLC
Legal Department
Attn: Robin Erickson
300 St. Paul Place
17th Floor
Baltimore, MD 21202

CITIFINANCIAL SERVICING LLC
C/O THE CORPORATION TRUST COMPANY, Registered Agent
CORPORATION TRUST CENTER
1209 ORANGE ST
WILMINGTON, DE 19801

Re: 156 Sand Pebble
Port Orange, FL 32129
Parcel ID: 6305-03-00-1700
LEGAL DESCRIPTION: LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER
OR 7128 PG 0843
Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by the Building Official Kerry Leuzinger.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on August 24, 2015 indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations on March 14, 2016 and given 30 days to correct. A re-inspection was done on April 25, 2016 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 25, 2016**. Due to the nature of the violations dealing with the unsafe mobile home structure that was destroyed in a fire, this case is to be considered a health and safety hazard. The structure must be demolished or repaired. A permit is required from the City of Port Orange Building Department before commencing repairs to the structure. A permit will also be required for demolition of the structure. Demolition of the structure will follow the criteria of the City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 3 relating to the abatement of unsafe structures. If the violations are not corrected, the city reserves the right to demolish the structure and place a lien against the property for all costs of abatement.

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

1. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
2. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.5 (Dangerous Structure or Premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
3. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment, 108.1.3 of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful, or because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, 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.
4. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II 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 purposes 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 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.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 27, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ _____ 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.

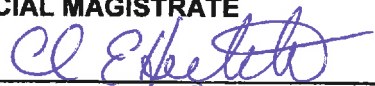
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 27, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 14, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 15th day of July, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
~~Dena Joseph~~ Chris Hutchison

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this _____ day of _____, 2016.

Time: approx. _____

~~Dena Joseph~~

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Judith Anderson, Property Owner, 156 Sand Pebble Circle, Port Orange, FL 32129 AND Citifinancial Servicing LLC, Legal Department, Attn: Robin Erickson, 300 St. Paul Place, 17th Floor, Baltimore, MD 21202 was

☒ Posted at City Hall

~~X~~ Sent via ^{FedEx} ~~certified~~ and regular

this 15 day of July, 2016.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County
Property Appraiser

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



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Parcel Information: 6305-03-00-1700 2016 Preliminary Tax Roll Last Updated: 07-10-2016

Owner Name and Address

Alternate Key	3585674	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1700	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1700	2015 Final Mill Rate	20.86510
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type	Estate		
Owner Name	ANDERSON JUDITH A	Ownership Percent	100
Owner Name/Address 1			
Owner Address 2	101 ALOHA TERRACE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129-3605		
Situs Address	156 SAND PEBBLE CIR PORT ORANGE 32129		

Legal Description

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742 PER OR 7128 PG 0843

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7128 0843	06/2015	Quit Claim Deed	Unqualified Sale	Yes	100
3397 0786	12/1989	Quit Claim Deed	Affiliated Parties	Yes	100
1860 1838	10/1976	Warranty Deed	Qualified Sale	Yes	8,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	19,750	19,428	1,137	40,315	40,315	35,457	0	40,315	0	35,457
2014	19,750	16,975	843	37,568	37,568	32,234	0	37,568	0	32,234

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111585 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111585	Mobile Home	124	1974	200	Mobile Home	65%	0%	0%	2999
Roof Type	GABLE	Floors	Carpet	Bedrooms	2	4 Fixture Bath			0
Roof Cover	METAL	Wall Type	Plywood Panel	X Fixture Bath	0	5 Fixture Bath			0
Heat Type1	Forced Ducted	Heat Source1	Electricity	2 Fixture Bath	0	6 Fixture Bath			0
Heat Type2		Heat Source2		3 Fixture Bath	2	7 Fixture Bath			0
Foundation	Wd Conc Piers	Year Remodeled		Fireplaces	0	A/C			Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
006 Res BASE Area (BAS)		VINYL SIDING	1.0	1974	N	0%	0%	880 Sq. Feet
007 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	190 Sq. Feet
008 Unfinished Enclosed Porch (UEP)		Non-Applicable	1.0	1974	N	0%	0%	242 Sq. Feet
009 Unfinished Utility (UST)		Non-Applicable	1.0	1974	N	0%	0%	35 Sq. Feet
010 Carport, Unfinished (UCP)		Non-Applicable	1.0	2000	N	0%	0%	121 Sq. Feet

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 10th day of June, 2016 (year),
by first party, Grantor, SARAH P. PIPPEN
whose post office address is 10624 Millbrook Dr. Chester town, MD 21620
to second party, Grantee, Judith A. Anderson
whose post office address is 101 Aloha Terrace Ft. Orange FL 32129

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

Lot 170 Barefoot Park MB 31 Pg P 662 PER OR
8397 PG 0786 PER OR 5221 PG 0742
Parcel # 6305-03-00-1700

Known as 156 Sand Pebble Circle, Ft Orange FL 32129



Signature of Witness

Hyles Liller

Print name of Witness

Marcia Clendaniel

Signature of Witness

Marcia Clendaniel

Print name of Witness

Signature of First Party

Sarah P. Phippen

Print name of First Party

Sarah P. Phippen

Signature of First Party

SARAH P. Phippen

Print name of First Party

State of Maryland)

County of Kent

On June 10, 2015 before me,

appeared Sarah P. Phippen

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

WITNESS my hand and official seal.

Karen J. Zottarelli

Signature of Notary

Affiant ☒ Known

Type of ID

Produced ID

SSN

CO

(Seal)

State of)

County of

On

before me,

appeared

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

WITNESS my hand and official seal.

Signature of Notary

Affiant _____ Known _____ Produced ID

Type of ID

(Seal)

Signature of Preparer

Print Name of Preparer

Address of Preparer

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

ASSIGNMENT OF MORTGAGE

FOR GOOD AND VALUABLE CONSIDERATION, the sufficiency of which is hereby acknowledged, the undersigned, CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, WHOSE ADDRESS IS 300 ST. PAUL PLACE, LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD, 21202, (ASSIGNOR), by these presents does convey, grant, assign, transfer and set over the described Mortgage with all interest secured thereby, all liens, and any rights due or to become due thereon to CITIFINANCIAL SERVICING LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHOSE ADDRESS IS 300 ST. PAUL PLACE LEGAL DEPARTMENT- 17TH FLOOR, BALTIMORE, MD 21202 (800)249-2181, ITS SUCCESSORS AND ASSIGNS, (ASSIGNEE).

Said Mortgage was made by JUDITH A. ANDERSON AND JUDITH A. ANDERSON and recorded in Official Records of the Clerk of the Circuit Court of VOLUSIA County, Florida, in Book 5964, Page 269 and Instrument # 2006-299632, upon the property situated in said State and County as more fully described in said Mortgage.

Dated on 10/13/2015 (MM/DD/YYYY)

CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION

By: _____

Nadine Homan
VICE PRESIDENT

All persons whose signatures appear above have qualified authority to sign and have reviewed this document and supporting documentation prior to signing.

Witnesses:

Danielle Burns

Susan Schotsch

(Seal)



STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me on 10/13/2015 (MM/DD/YYYY), by Nadine Homan as VICE PRESIDENT of CFNA RECEIVABLES (OK), INC. F/K/A CITIFINANCIAL SERVICES, INC. D/B/A CITIFINANCIAL EQUITY SERVICES, INC., AN OKLAHOMA CORPORATION, who, as such VICE PRESIDENT being authorized to do so, executed the foregoing instrument for the purposes therein contained. He/she/they is (are) personally known to me.

Nicole Baldwin
Notary Public - State of FLORIDA
Commission expires: 08/05/2016



Nicole Baldwin
Notary Public State of Florida
My Commission # EE 222285
Expires August 5, 2016

Document Prepared By: E.Lance/NTC, 2100 Alt. 19 North, Palm Harbor, FL 34683 (800)346-9152

CF001 [REDACTED] *C* -- DEFAULT DOCR 1 [REDACTED] [C-1] FRMFL1



D0012982291

[A] 107.4 Unauthorized tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] 107.5 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] 107.6 Transfer of ownership. It shall be unlawful for the owner of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] 108.1 General. When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

 **[A] 108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] 108.1.2 Unsafe equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

 **[A] 108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

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

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

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

Sec. 42-108. - Unsafe conditions; nuisance.

(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.

(Ord. No. 2015-37, § 1, 11-3-2015)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JUDITH ANDERSON
156 SAND PEBBLE CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-03-00-1700

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 27, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Judith Anderson, whose mailing address is 101 Aloha Terrace, Port Orange, FL 32129, is/are the owner(s) of the property located at 156 Sand Pebble Circle, Port Orange, FL 32129, and more particularly described as:

LOT 170 BAREFOOT PARK MB 31 PG 62 PER OR 3397 PG 0786 PER OR 5221 PG 0742
PER OR 7128 PG 0843

B. The structure partially burnt down, there is outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck. This condition was first observed at the real property described above on August 24, 2015; re-inspections made on October 15, 2016 confirmed the condition as being the same. Respondent, Judith Anderson, received notice via regular and certified mail and posting at City Hall on March 17, 2016, as well as via posting on the property on March 14, 2016, that the aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger). Chapter 3 (General Requirements), Section 302

(Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), 304.13 (Window, skylight and door frames), 304.15 (Doors), Section 305 (Interior Structure), 305.1 (General), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities) 604.1 (Facilities Required), Section 605 (Electrical Equipment) 605.1 (Installation), and was to be corrected by April 14, 2016.

C. At the time of the hearing on April 27, 2016, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Judith Anderson, by reason of the foregoing, has/have violated the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (d)(f). Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.5 (Dangerous Structure or Premises), 108.6 (Abatement methods), Section 109 (Emergency Measures), Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation), Section 304 (Exterior Structure), 304.1 (General). The following conditions were determined as unsafe and were to be repaired or replaced to comply with the International Building Code or the International Existing Building Code: Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), Section 305 (Interior Structure), Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), Section 605 (Electrical Equipment), in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the structure being partially burnt down, there being outside storage and garbage, trash and debris, as well as high weeds and grass and an unregistered/abandoned truck is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

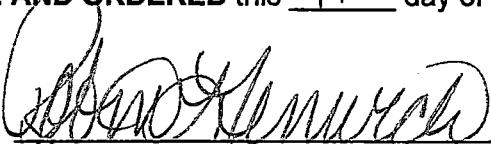
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, abate the violations up to and including demolition with the costs being assessed as a lien against the property. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$707.68 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 11 day of May, 2016.

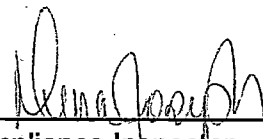
Attest:


Secretary, Code Enforcement Special Magistrate

By:

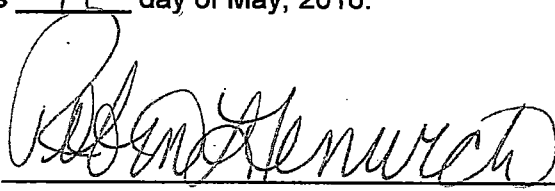
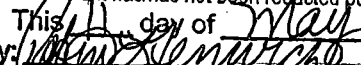

Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Judith Anderson, 101 Aloha Terrace, Port Orange, FL 32129 by Certified and Regular Mail this 11 day of May, 2016.




Secretary, Code Enforcement Special Magistrate
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 11 day of May, 2016.
By: 
/s/ Robin L. Fenwick