



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

**Meeting Date:** Wednesday, August 24, 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 - August 10, 2016

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

**3. CEB Case No.: 16-1108**

**Respondent:** Joseph A. & Kathleen A. Fazzie

**Address of Violation:** 6604 Mansour Ln, Port Orange, FL 32128

**Code Officer:** Scott Allman

**First Notified:** 07/18/2016

Compliance: No

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

**4. CEB Case No.: 16-0882**

**Respondent:** Thomas Earl Raley & Heidi Koss Raley

**Address of Violation:** 113 Aloha Terrace, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 07/20/2016

Compliance: Yes

**Cited for violation(s)** - Chapter 42 (Nuisances), Article II (Garbage, Junk and Overgrowth), 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.

### **C. 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  
AUGUST 10, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:11 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector  
Amanda Bonin, Code Compliance Inspector  
Deborah Faircloth, Code Compliance Inspector  
Chris Hutchison, Code Enforcement Manager  
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the July 27, 2016 meeting minutes as presented.

Amanda Bonin, Code Compliance Inspector, requested an amendment to the agenda to add Case No. 16-390, as to Cheryl M. Molohon – 1 Springwood Square. She advised that the compliance date was August 8, 2016 and the repairs and clean up were completed as of August 8, 2016. Mike Gelety, representing the mortgagee, Bank of America, advised that they have received a Final Judgement of Foreclosure and the property is set to be auctioned on September 9, 2016. He does not object to the addition of the case to this agenda based on the mortgage foreclosure being completed. Special Magistrate Branch granted the request to amend the agenda and dismissed the case due to compliance.

Oaths

Code Compliance Inspector, Amanda Bonin, and Chris Hutchison, Code Enforcement Manager, were sworn in by Special Magistrate Branch.

**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 (1)(a)(b) and (2)

*Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Branch and testified as to the notice provided to the property owner and the condition of the property. She presented photographs (Exhibit Nos. 001-003) depicting the conditions and asked that they be submitted into evidence. Special Magistrate Branch accepted the photos into evidence as requested. She recommended the property owner be found in violation of the above cited violations and to award costs to the City in the amount of \$34.34 based on the cost sheet admitted into evidence. She also recommended a fine in the amount of \$250.00 per day after August 19, 2016 that the property is not in compliance.*

*Special Magistrate Branch granted the recommendation as requested.*

**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.

*Ms. Bonin testified as to the notice provided to the property owner and the condition of the property. She presented photographs depicting the conditions and asked that they be submitted into evidence. Special Magistrate Branch accepted the photos into evidence as requested. She recommended the property owner be found in violation of the above cited violations and to award costs to the City in the amount of \$41.68 which was admitted into evidence. She also recommended a fine in the amount of \$250.00 per day after August 19, 2016 that the property is not in compliance. Ms. Bonin recommended the property be found a serious threat to the public health, safety and welfare.*

*Special Magistrate Branch granted the recommendation as requested. The case will be submitted to the City Council if the property is not brought into compliance by August 19, 2016. Costs were awarded to the City in the amount of \$41.68. He suggested sending a copy of the Finding of Fact, Conclusion of Law, and Order to the mortgage holder as a courtesy and to encourage compliance.*

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.

*Ms. Bonin testified as to the notice provided and the condition of the property. She requested a dismissal of the case due to compliance with the notice. Special Magistrate Branch granted the dismissal.*

**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.

Michael Ciocchetti, Attorney for Code Enforcement, advised of the notice of the Order to Appear to Demonstrate Why Property Should Not Be Demolished and Notice of Proceeding Regarding Order to Demolish. CitiFinancial responded to the Order asking for proof that they are the mortgagee even though the Assignment of Mortgage was included in the packet to them and included in their response back to the City. He believes proper notice was provided and asked that the Special Magistrate grant the demolition as requested. Special Magistrate Branch admitted CitiFinancial's response into evidence as Exhibit 1 and Mr. Ciocchetti's reply as Exhibit 2.

Special Magistrate Branch approved the demolition to be completed after 10 days from the date of the order to allow for the appeal time.

A Notice Setting the Fine/Lien will be issued by the City Clerk for September 28, 2016 at 9:00 a.m. Attorney's fees will be set, along with the final costs in this case.

Mr. Ciocchetti will prepare the demolition order for Special Magistrate Branch's signature once the Special Magistrate has received the Affidavit of Non-Compliance from the Code Enforcement Officer.

**PUBLIC COMMENTS** – There were no public comments.

**ADJOURNMENT** – 10:32 a.m.

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Special Magistrate Raymond Branch

## Case Cost Sheet Log

Case No. 16-1108

| Name            | Activity                                                    | Activity_Date | Status | Cost    |
|-----------------|-------------------------------------------------------------|---------------|--------|---------|
| Clerk of Court  | Recording fee - Finding of Fact, Conclusion of Law & Order  | 08/24/2016    |        | \$27.00 |
| Joseph Fazzie   | Cost of mailing Finding of Fact, Conclusion of Law, & Order | 08/24/2016    |        | \$6.92  |
| Kathleen Fazzie | Cost of mailing Finding of Fact, Conclusion of Law, & Order | 08/24/2016    |        | \$6.92  |

Total: 40.84



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

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**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. **16-1108**

To: Joseph A. & Kathleen A. Fazzie  
6604 Mansour Ln  
Port Orange, FL 32128

Re: 6604 Mansour Ln  
Port Orange, FL 32128  
Parcel ID: 6331-14-00-4010

LEGAL DESCRIPTION: LOT 401 WATERS EDGE PHASE IV MB 47 PGS 113 THRU 116 INC PER OR 4768 PG 1326  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on July 7, 2016, indicates that certain repeat 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 immediately.

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

1. Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (f) Garbage, waste, trash, etc., prohibited.
  - On July 7, 2016, I observed a large number of household garbage bags being stored on the pool deck. I called the owner and left a message explaining the violation and requested that the owner contact me. The property and its owners have been previously found in violation of the above stated code in Case 14-1827. See attached Finding of Fact, Conclusion of Law and Order and Affidavit of compliance. To correct the repeat violation all garbage and garbage bags must be removed from the pool deck and placed at the street for pick up.

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

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

The burden shall rest upon the Respondents 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 24, 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

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 \$ 15.52 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 24, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 28, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 18<sup>th</sup> day of JULY, 2016.

CITY OF PORT ORANGE, FLORIDA  
**SPECIAL MAGISTRATE**

By: J. Scott Allman  
**J. Scott Allman**

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Joseph A. & Kathleen A. Fazzie, RE: 6604 Mansour Ln, Port Orange, FL 32128, was

☒ Hand-delivered

Recipient of hand delivered documents: Kathleen Fazzie

☐ Posted at the property

this 19<sup>th</sup> day of JULY, 2016.

Time: 11:45 Am.

J. Scott Allman  
**J. Scott Allman**

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Joseph A. & Kathleen A. Fazzie, RE: 6604 Mansour Ln, Port Orange, FL 32128, was

☒ Posted at City Hall

☐ Sent via certified

this 20<sup>th</sup> day of JULY, 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: 6331-14-00-4010 **2016 Preliminary Tax Roll** Last Updated: 07-17-2016

**Owner Name and Address**

|                       |                                   |                      |                             |
|-----------------------|-----------------------------------|----------------------|-----------------------------|
| Alternate Key         | 5897842                           | Parcel Status        | Active Parcel (Real Estate) |
| Short Parcel ID       | 6331-14-00-4010                   | Mill Group           | 602 Port Orange             |
| Full Parcel ID        | 31-16-33-14-00-4010               | 2015 Final Mill Rate | 22.54410                    |
| Created Date          | 17 NOV 1999                       |                      |                             |
| Property Class        | 01 Single Family                  |                      |                             |
| Ownership Type        |                                   | Ownership Percent    | 100                         |
| Owner Name            | FAZZIE JOSEPH A & KATHLEEN A      |                      |                             |
| Owner Name/Address 1  |                                   |                      |                             |
| Owner Address 2       | 6604 MANSOUR LN                   |                      |                             |
| Owner Address 3       | PORT ORANGE FL                    |                      |                             |
| Owner Zip/Postal Code | 32128                             |                      |                             |
| Situs Address         | 6604 MANSOUR LN PORT ORANGE 32128 |                      |                             |

**Legal Description**  
LOT 401 WATERS EDGE PHASE IV MB 47 PGS 113 THRU 116 INC PER OR 4768 PG 1326

**Sales History**

| Book Page | Sale Date | Sale Instrument | Qualified<br>Unqualified | Improved<br>Yes | Sale Price |
|-----------|-----------|-----------------|--------------------------|-----------------|------------|
| 4768 1326 | 10/2001   | Warranty Deed   | Qualified Sale           | Yes             | 212,502    |

**History of Values** - 3 Preliminary

| Year | Land   | Bldg(s) | Misc. Impr. | Just Value | School Assessed | Non-School Assessed | School Exemption | School Taxable | Non-School Exemption | Non-School Taxable |
|------|--------|---------|-------------|------------|-----------------|---------------------|------------------|----------------|----------------------|--------------------|
| 2015 | 27,000 | 229,918 | 19,380      | 276,298    | 219,676         | 219,676             | 25,000           | 194,676        | 25,000               | 169,676            |
| 2014 | 27,000 | 212,004 | 15,157      | 254,161    | 217,933         | 217,933             | 25,000           | 192,933        | 25,000               | 167,933            |

[Display Value History](#)

**Land Data**

| Code                                               | Land Use Type      | Frontage | Depth | No. Units | Unit Type | Rate     | Depth | Loc | Shp | Phy | Just Value |
|----------------------------------------------------|--------------------|----------|-------|-----------|-----------|----------|-------|-----|-----|-----|------------|
| 0140                                               | IMP LKFRNT-3 <2 AC | 80.0     | 140.0 | 1.00      | LOT       | 27000.00 | 100   | 100 | 100 | 100 | 27,000     |
| <b>Neighborhood</b> 4956 WATERS EDGE PH 1 MB 46 PG |                    |          |       |           |           |          |       |     |     |     |            |
| <b>Total Land Classified</b>                       |                    |          |       |           |           |          |       |     |     |     | 0          |
| <b>Total Land Just</b>                             |                    |          |       |           |           |          |       |     |     |     | 27,000     |

**Building Characteristics**

Building Number: 179946 (Building 1 of 1)

| Bldg. No.         | Improvement Type | Base Perimeter        | Year Built | Quality Grade | Architecture          | Phys. Depr. | Func. Obs.              | Loc. Obs. | Next Review |
|-------------------|------------------|-----------------------|------------|---------------|-----------------------|-------------|-------------------------|-----------|-------------|
| 179946            | Single Family    | 262                   | 2001       | 325           |                       | 8%          | 0%                      | 0%        | 2999        |
| <b>Roof Type</b>  | HIP              | <b>Floors</b>         |            | Carpet        | <b>Bedrooms</b>       | 4           | <b>4 Fixture Bath</b> 1 |           |             |
| <b>Roof Cover</b> | ASPHALT SHINGL   | <b>Wall Type</b>      |            | Drywall       | <b>X Fixture Bath</b> | 2           | <b>5 Fixture Bath</b> 0 |           |             |
| <b>Heat Type1</b> | Forced Ducted    | <b>Heat Source1</b>   |            | Electricity   | <b>2 Fixture Bath</b> | 0           | <b>6 Fixture Bath</b> 0 |           |             |
| <b>Heat Type2</b> |                  | <b>Heat Source2</b>   |            |               | <b>3 Fixture Bath</b> | 1           | <b>7 Fixture Bath</b> 0 |           |             |
| <b>Foundation</b> | Concrete Slab    | <b>Year Remodeled</b> |            |               | <b>Fireplaces</b>     | 0           | <b>A/C</b> Yes          |           |             |

| Section Number | Area Type                   | Exterior Wall Type | Number Stories | Year Built | Attic Finish | Bsmt Area | Bsmt Finish | Floor Area    |
|----------------|-----------------------------|--------------------|----------------|------------|--------------|-----------|-------------|---------------|
| 001            | Res BASE Area (BAS)         | C B STUCCO         | 1.0            | 2001       | N            | 0%        | 0%          | 2543 Sq. Feet |
| 002            | Porch, Open Finished (FOP)  | Non-Applicable     | 1.0            | 2001       | N            | 0%        | 0%          | 198 Sq. Feet  |
| 003            | Porch, Open Finished (FOP)  | Non-Applicable     | 1.0            | 2001       | N            | 0%        | 0%          | 105 Sq. Feet  |
| 004            | Finished Garage (FGR)       | Non-Applicable     | 1.0            | 2001       | N            | 0%        | 0%          | 558 Sq. Feet  |
| 005            | Finished Utility (FST)      | Non-Applicable     | 1.0            | 2001       | N            | 0%        | 0%          | 40 Sq. Feet   |
| 006            | Upper Story, Finished (FUS) | C B STUCCO         | 1.0            | 2001       | N            | 0%        | 0%          | 598 Sq. Feet  |

Return to: POLICY DEPARTMENT  
Name: SOUTHERN TITLE  
Address: 138 W NEW YORK AVE  
DELAND, FL 32720

This Instrument Prepared by:  
Tami Luxton  
Southern Title of Central Florida, LLC.  
2335 BEVILLE ROAD  
DAYTONA BEACH, Florida 32119

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): 6331-14-00-4010

Grantee(s) I.D. #(s):  
File No: DB019077

11/05/2001 16:22  
Doc stamps 1488.20  
(Transfer Amt \$ 212502)  
Instrument # 2001-237464  
Book: 4768  
Page: 1326  
Diane M. Matousek  
Volusia County, Clerk of Court

**WARRANTY DEED**  
(CORPORATION)

This Warranty Deed Made the 30th day of October, 2001, by  
INTERVEST AT WATERS EDGE, LTD., A FLORIDA LIMITED PARTNERSHIP, and having its  
place of business at 2359 BEVILLE ROAD, DAYTONA BEACH, FLORIDA 32119, hereinafter  
called the grantor,

to JOSEPH A. FAZZIE and KATHLEEN A. FAZZIE, HUSBAND AND WIFE whose post office  
address is: 6604 MANSOUR LANE, PORT ORANGE, FL. 32128, 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, by these presents grants, bargains, sells, aliens, remises,  
releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

LOT 401, WATERS EDGE, PHASE IV, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK  
47, PAGES 113 THROUGH 116, INCLUSIVE 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 grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor  
has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and  
will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except  
taxes accruing subsequent to December 31, 2001, reservations, restrictions and easements of record, if any.  
(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and  
assigns of individuals, and the successors and assigns of corporation.)

In Witness Whereof, the Grantor has caused these presents to be executed in its name, and its corporate seal to be  
hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

ATTEST: \_\_\_\_\_  
Secretary

INTERVEST AT WATERS EDGE, LTD.,  
A FLORIDA LIMITED PARTNERSHIP  
BY: INTERVEST CONSTRUCTION, INC.,  
ITS GENERAL PARTNER

Witness Signature: Nicole Keeley  
Printed Name: NICOLE KEELEY

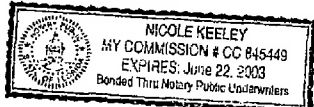
Witness Signature: K. Newkirk  
Printed Name: K. NEWKIRK

BY: [Signature]  
CHARLENE B. IRLAND, VICE PRESIDENT

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 30th day of October,  
2001, by CHARLENE B. IRLAND as VICE PRESIDENT of INTERVEST CONSTRUCTION, INC.,  
GENERAL PARTNER OF INTERVEST AT WATERS EDGE LTD., A FLORIDA LIMITED  
PARTNERSHIP, on behalf of the corporation. He/she is personally known to me.

My Commission Expires:



Nicole Keeley  
Printed Name:  
Notary Public NICOLE KEELEY  
Serial Number

## 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)

**CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE  
CASE NO. 14-1827**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

Joseph A. & Kathleen A. Fazzie  
6604 Mansour Lane  
Port Orange, FL 32128  
6331-14-00-4010

**Respondent.**

\_\_\_\_\_ /

**FINDING OF FACT, CONCLUSION OF LAW AND ORDER**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 22, 2014, after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

**FINDINGS OF FACT:**

A. Respondents, Joseph A. & Kathleen A. Fazzie , whose mailing address is 6604 Mansour Lane, Port Orange, FL 32128, are the owners of the property located at 6604 Mansour Lane, Port Orange, FL 32128, and more particularly described as:

LOT 401 WATERS EDGE PHASE IV MB 47 PGS 113 THRU 116 INC PER  
OR 4768 PG 1326

B. There is garbage, debris, recyclable items, and other household items being stored on the pool deck. There are many bags of garbage, containers of bottles and cans, gas cans, bottles of LP gas, tiki torches, lawn mower, vacuum, buckets, fertilizer spreader, oil, and other items. The pool is a dark green and has clumps of algae growing in it. This condition was first observed at the real property described above on August 1, 2014; re-inspections made on October 9, 2014 and October 15, 2014 confirmed the condition as being the same. Respondents, Joseph A. & Kathleen A. Fazzie, received notice via certified mail and posted at City Hall on September 23, 2014 as well as property posting on September 22, 2014. The aforesaid conditions constituted a violation of the City of Port Orange Code of Ordinances, Chapter 42, Section 42.32, as pertains to outside storage and City of Port Orange Code of Ordinances, Chapter 42-26(a) & (f) as pertains to high weeds, grass, and undergrowth and garbage, trash, and debris, and was to be corrected by October 6, 2014.

C. At the time of the hearing on October 22, 2014, the violations cited above continue to exist.

**CONCLUSION OF LAW:**

Respondents, Joseph A. & Kathleen A. Fazzie, by reason of the foregoing, have violated the City of Port Orange Code of Ordinances, Chapter 42, Section 42-32, as pertains to outside storage and City of Port Orange Code of Ordinances, Chapter 42-26(a) & (f) as pertains to high weeds, grass, and undergrowth and garbage, trash, and debris, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the garbage, debris, recyclable items, and other household items being stored on the pool deck, the many bags of garbage, containers of bottles and cans, gas cans, bottles of LP gas, tiki torches, lawn mower, vacuum, buckets, fertilizer spreader, oil, and other items and the pool is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

**ORDER:**

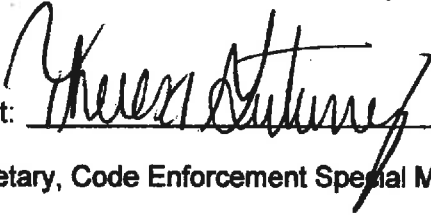
A. Respondents shall correct the aforesaid violation by removing all outside storage, mowing and maintaining the property, and removing all garbage, trash, and debris on or before October 31, 2014. In the event that the property is not brought into compliance on or before October 31, 2014, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond October 31, 2014. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.30 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207.

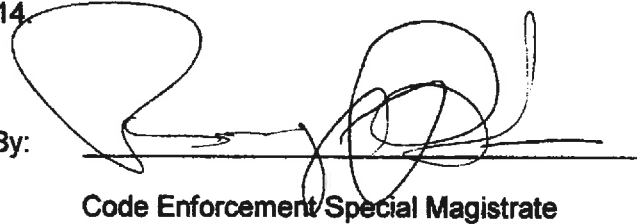
**DONE AND ORDERED** this 22<sup>nd</sup> day of October, 2014.

Attest:



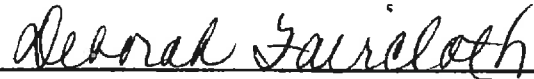
Secretary, Code Enforcement Special Magistrate

By:



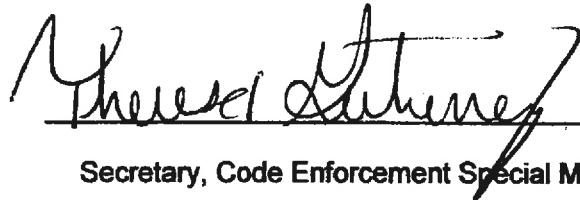
Code Enforcement Special Magistrate

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



Code Compliance Inspector

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondents Joseph A. & Kathleen A. Fazzie, 6604 Mansour Lane, Port Orange, FL 32128 by Certified and Regular Mail this 23rd day of October, 2014.



Secretary, Code Enforcement Special Magistrate

**CITY OF PORT ORANGE, FLORIDA  
SPECIAL MAGISTRATE**

CASE NO: CEB 14-1827

**CITY OF PORT ORANGE,**

**Petitioner,**

**vs.**

Joseph A. & Kathleen A. Fazzie  
6604 Mansour Lane  
Port Orange, FL 32128  
6331-14-00-4010,

**Respondents.**

*Space Reserved for Recording*

**AFFIDAVIT OF COMPLIANCE**

STATE OF FLORIDA  
COUNTY OF VOLUSIA

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

1. That on October 22, 2014, the Special Magistrate held a public hearing and issued His Findings of Fact, Conclusions of Law and Order in the above-styled matter.
2. That, pursuant to said Order, Respondent was to have taken certain corrective action on or before October 31, 2014.
3. That at the request of the Respondent, a reinspection was performed by the undersigned on November 3, 2014.
4. That the reinspection revealed that the corrective action ordered by the Special Magistrate has been taken.
5. Therefore, no daily fines shall not accrue.

FURTHER AFFIANT SAYETH NOT.

DATED this 8th day of December, 2014.

Deborah Faircloth  
DEBORAH FAIRCLOTH

STATE OF FLORIDA  
COUNTY OF VOLUSIA

Before me, the undersigned authority, personally appeared Deborah Faircloth, the Code Compliance Inspector identified in the foregoing Affidavit of Compliance; who acknowledged before me that she executed the foregoing instrument for the purposes expressed therein.

Sworn to and subscribed before me this 8th day of December, 2014.

~~Notary to check one:~~

☒ personally known to me or  
☐ has produced \_\_\_\_\_ as identification.

Julie Gunnlaugsson  
Notary Public, State of Florida at Large  
Printed Name, Stamped Commission Seal and Term Expiration Date

