



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 28, 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.: 16-1383

Respondent: Stacey Kimberly Seely

Address of Violation: 5417 Dubois Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/22/2016

Compliance: No

Cited for violation(s) - The City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property-generally duty of owner (d) Maintenance of improved residential lots.

4. CEB Case No.: 16-1247

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 08/29/2016

Compliance: No

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

C. ORDER IMPOSING FINE/LIEN

5. 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: 07/13/2016

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. 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
SEPTEMBER 14, 2016

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

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Chris Hutchison, Code Enforcement Manager
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the August 24, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspector Scott Allman and Amanda Bonin were sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-702
Respondent: Julie Richardson
Address of Violation: 5272 Isabell Avenue, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 08/09/2016

Compliance: Yes

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

Chris Hutchison, Code Enforcement Manager, requested a dismissal as the property is in compliance with the notice. Special Magistrate Branch granted the request.

4. **CEB Case No.:** 16-1033

Respondent: Mitchell J. Scala, Katherine Scala, and Peter M. Scala

Address of Violation: 1353 E. Dexter Drive, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 08/12/2016

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code

City of Port Orange Code of Ordinances, Article II, Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Branch and testified as to the condition of the property and the notice provided to the property owners. Mr. Allman testified that the improperly stored truck has been removed; however, other items remain on the side yard and in the front of the home that still need to be removed. Photographs taken by Mr. Allman were introduced into evidence. Special Magistrate Branch admitted the photos into evidence without objection. Discussion was held regarding outside storage of children's toys. Mr. Allman advised that the past practice has been not to cite property owners for children's toys.

Mr. Allman recommended the property owners be found in violation of the above referenced codes and a \$100.00 fine be imposed for every day the violations remain beyond the compliance date of October 14, 2016. He also recommended costs in the amount of \$71.04 be awarded to the City against the property owners. The Cost Sheet was admitted into evidence. Special Magistrate Branch granted the recommendations as presented. The violation of the fence can be corrected by removing the fence or fixing the broken/missing sections.

5. **CEB Case No.:** 16-921

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/29/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (d) Maintenance of improved residential lots.

Mr. Allman testified as to the condition of the property. He requested a dismissal as the property is in compliance with the notice. Special Magistrate Branch granted the request.

6. CEB Case No.: 16-1163

Respondent: Ryan Alan McDowell and Stacey Nicole Simon

Address of Violation: 4632 Golden Apples Trail, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/29/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage Junk, and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Branch and testified as to the condition of the property and the notice provided to the property owners. Ms. Bonin testified that the property is vacant and in foreclosure and possibly bankruptcy. Ms. Bonin recommended dismissal of the case due to the Judgment of Foreclosure entered in favor of HMC Assets. Special Magistrate Branch granted the dismissal.

7. CEB Case No.: 16-1125

Respondent: William R. Phillips and Athena R. Phillips

Address of Violation: 808 Del Prado Lane, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 07/25/2016

Compliance: No

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

Ms. Bonin requested a dismissal of this case. Special Magistrate Branch granted the dismissal.

ORDER IMPOSING FINE/LIEN

8. 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

*Ms. Bonin testified as to the current condition of the property as of her re-inspection of
September 12, 2016. She requested a fine against the property owner in the amount of
\$250.00 per day to begin on August 20, 2016. Costs to date are \$85.68 with the cost
sheet being submitted into evidence. Special Magistrate Branch granted the daily fine of
\$250.00 to begin on August 20, 2016. Costs in the amount of \$85.68 were awarded to
the City against the property owners.*

9. **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 current condition of the property as of her re-inspection of
September 12, 2016. She requested a fine against the property owner in the amount of
\$250.00 per day to begin on August 20, 2016. Costs to date are \$93.02 with the cost
sheet being submitted into evidence. Abatement costs in the amount of \$225.00 were
requested based on a quote from Tuff Turf. Special Magistrate Branch granted the daily
fine of \$250.00 to begin on August 20, 2016, as well as costs in the amount of \$93.02,
and the abatement costs not to exceed \$225.00 without further action of the Special
Magistrate.*

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:05 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-1383

Name	Activity	Activity_Date	Status	Cost
Stacy Kimberly Seely	Costs to mail Notice of Repeat Violation/Notice of Hearings to 5417 Dubois Avenue, Port Orange, FL 32127	08/23/2016	Envelope returned unclaimed	\$7.76
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law and Order	09/28/2016		\$27.00
Stacy Kimberly Seely	Costs to mail Finding of Fact, Conclusion of Law and Order to 5417 Dubois Avenue, Port Orange, FL 32127	09/28/2016		\$7.76

Total: 42.52



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1383

To: **Stacy Kimberly Seely**
5417 Dubois Ave.
Port Orange, FL 32127

Re: **5417 Dubois Ave.**
Port Orange, FL 32127
Parcel ID: **6310-07-20-0110**

LEGAL DESCRIPTION: **LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER
OR 5585 PG 3085**

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 22, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

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

1. The City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property – generally duty of owner (d) Maintenance of improved residential lots.

On August 22, 2016, I received a complaint from a neighbor stating this lot is overgrown and there are rodents coming from the property to the surrounding properties. He also stated it is a nuisance and needs to be completely mowed. This is a repeat violation of the above ordinances and shall be noted as such.

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 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 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 **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.

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 \$ 1.76 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 28, 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 **November 9, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 22 day of August, 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 **Kimberly Seely Stacy, 5717 Dubois Ave., Port Orange, FL 32127, RE: 5417 Dubois Ave., Port Orange, FL,** was

- ☐ Hand-delivered
☒ Posted at the property

Time: 3:35 pm

this 22 day of August, 2016.

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 **Kimberly Seely Stacy, 5717 Dubois Ave., Port Orange, FL 32127, RE: 5417 Dubois Ave., Port Orange, FL,** was

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

this 23 day of August, 2016.

John S. Sennrich
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: 6310-07-20-0110 **2016 Preliminary Tax Roll** Last Updated: 08-21-2016

Owner Name and Address

Alternate Key	3609590	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6310-07-20-0110	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-07-20-0110	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	00 Vacant Residential		
Ownership Type		Ownership Percent	100
Owner Name	STACY KIMBERLY SEELY		
Owner Name/Address 1			
Owner Address 2	5417 DUBOIS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5417 DUBOIS AV PORT ORANGE 32127		

Legal Description

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5585 3085	06/2005	Quit Claim Deed	Unqualified Sale	Yes	100
5557 0613	03/1982	Death Certificate	Unqualified Sale	Yes	1
1736 0025	07/1974	Warranty Deed	Qualified Sale	No	6,000

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	17,490	0	0	17,490	17,490	17,490	0	17,490	0	17,490
2014	17,490	2,617	0	20,107	20,107	19,158	0	20,107	0	19,158

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0002	VAC PVD MH SITE	66.0	100.0	66.00	FRONT FEET	265.00	100	100	100	100	17,490
Neighborhood 5775 ALLANDALE/COMMONWEALTH											
Total Land Classified											0
Total Land Just											17,490

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Planning and Building

Permit Number	Permit Amount	Date Issued	Date Complete	Construction Description	Occupancy Number	Occupancy Bldg
8988	19,900	06-01-1990	10-01-1990	M/H CLS/MED		0
981835	10,437	07-13-1998		ADDITIONS/ALTERATION		0

[Display Permits](#)

Total Values

Land Value	17,490 New Construction Value	0
Building Value	0 City Econ Dev/Historic	0
Miscellaneous	0	
Just Value	17,490 Previous Just Value	17,490
School Assessed	17,490 Previous School Assessed	17,490
Non-School Assessed	17,490 Previous Non-School Assessed	17,490
Exemption Value	0 Previous Exemption Value	0

35
19.20

00/24/2005 03:04 PM
Doc stamps .70
(Transfer Amt \$ 10)
Instrument# 2005-169038 # 1
Book: 5585
Page: 3085

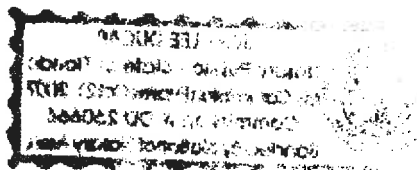
Quitclaim Deed

THIS QUITCLAIM DEED, executed this 21st day of June, 2005,
by first party, Grantor, Monna Corinne Mackay
whose post office address is 5420 Landis Avenue, Port Orange, FL 32127
to second party, Grantee, Kimberly Seely Stacy
whose post office address is 5417 DuRoi Avenue Port Orange, FL 32127

WITNESSETH, That the said first party, for good consideration and for the sum of Ten Dollars
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 thereto in the County of Volusia
State of Florida to wit:

Soto 11+12 B/LR 20 Allendale MB
4 Pg. 146 Per ser 1736 Pg. 25



IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written.
Signed, sealed and delivered in presence of:

Signature of Witness: Sean Erdman

Print name of Witness: Tara Erdman

Signature of Witness: Arlene White

Print name of Witness: ARlene White

Signature of First Party: Monna Corine Mackey

Print name of First Party: Monna Corine Mackey

Signature of Second Party: Kimberly Seely Stacy

Print name of Second Party: Kimberly Seely Stacy

Signature of Preparer Kimberly Seely Stacy

Print Name of Preparer Kimberly Seely Stacy

Address of Preparer 5417 Dubois Ave Port Orange, Fl. 32127

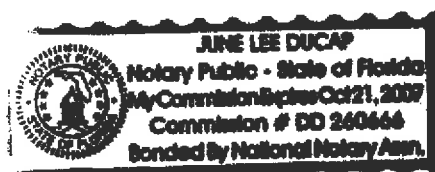
State of Florida
County of Volusia }

On 6-21-05 before me, June D. Co
appeared Kimberly Seely Stacy & Monna Corine Mackey
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.

June Lee Ducap
Signature of Notary

Affiant Known ☒ Produced ID
Type of ID FLTD
(Seal)



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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-1228**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Kimberly Seely Stacy
5417 Dubois Avenue
Port Orange, FL 32127
6310-07-20-0110

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 September 23, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Kimberly Seely Stacy, whose mailing address is 5417 Dubois Avenue, Port Orange, FL 32127, is/are the owner(s) of the property located at 5417 Dubois Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR
5585 PG 3085

B. The condition was first observed at the real property described above on July 16, 2015; re-inspections made on September 8, 2015 and September 22, 2015 confirmed the condition as being the same. Respondent(s), Kimberly Seely Stacy, received notice by property posting on August 13, 2015. Additionally, the notice was sent via certified mail and posted at City Hall on August 17, 2015. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally – Duty of Owner), (d) maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances, and was to be corrected by September 4, 2015.

C. At the time of the hearing on September 23, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Kimberly Seely Stacy, by reason of the foregoing, has/have violated 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, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown lawn, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the property on or before September 30, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by September 30, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.16 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 23 day of September, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
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), Kimberly Seely Stacy, 5417 Dubois Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of September, 2015.

[Signature]
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 28 day of Sept, 2015.
By: [Signature]

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

CASE NO. 15-1228

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

**Kimberly Seely Stacy
5417 Dubois Ave.
Port Orange, FL 32127
6310-07-20-0110**

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 23rd day of September, 2015, at which time Staff and the Respondent (who did not appear) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His order finding that a violation exists which was reduced to writing, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondents in violation of the Port Orange Code of Ordinances, Chapter 42 Section 42-26(d), as the same pertains to mowing and maintaining entire property according to code, and required Respondent(s) to take certain corrective action no later than September 30, 2015.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by Code Compliance Inspector Deborah Faircloth, certifying under oath that the required action has not been taken as ordered by the Board. A true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. There is no daily fine associated with this case.
2. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$ 85.86.
3. The cost of the City's vendor for abating the violation is \$125.00.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

Tax Parcel ID: 6310-07-20-0110
Street address: 5417 Dubois Ave., Port Orange, Florida.
Legal Description: LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085, of the Public Records of Volusia County, Florida; and per deed recorded in Book 5585, page 3085, Public Records of Volusia County, Florida.

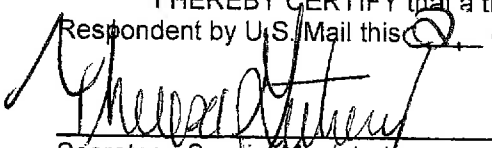
DONE AND ORDERED the 28 day of October, 2015, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 29 day of Oct, 2015.


Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed. History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.—Former s. 166.061.

Form Approved by the Board Attorney 08.08.0

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-1228

Kimberly Seely Stacy
5417 Dubois Ave.
Port Orange, FL 32127
6310-07-20-0110

Respondent,

AFFIDAVIT OF NON-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 September 23, 2015, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before September 30, 2015.
3. That a re-inspection was performed on October 6, 2015.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the property has not been mowed and all trash and debris removed.

FURTHER AFFIANT SAYETH NOT.

Dated this 27th day of October, 2015.

Deborah Faircloth

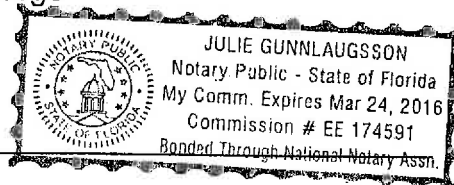
Deborah Faircloth
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me
this 27th day of October, 2015 by Deborah Faircloth, who
is personally known to me.

Julie Gunnlaugsson
Notary Public
State of Florida at Large

Commission No.



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 27th day of November, 2015.
By: Robert Klenworth

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 16-1383

Kimberly Seely Stacy
5417 Dubois Avenue
Port Orange, FL 32127
6310-07-20-0110,

Respondent.

Property Address: 5417 Dubois Avenue, Port Orange, FL
Parcel ID: 6310-07-20-0110

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

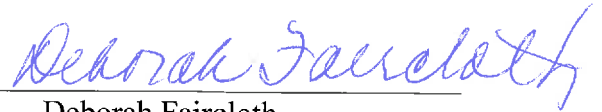
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5417 Dubois Avenue, Port Orange, Florida 32127, is owned by Kimberly Seely Stacy.
4. That 5417 Dubois Avenue, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5417 Dubois Avenue, Port Orange, Florida 32127, at 3:35 p.m. on the 22nd day of August, 2016, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

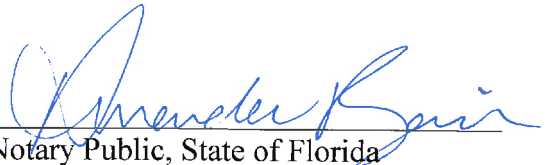
DATED this 22nd day of August, 2016.



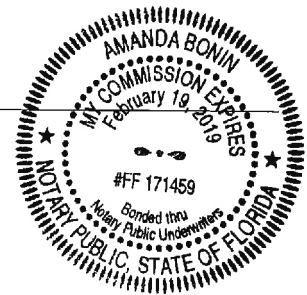
Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 22nd day of August, 2016, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 16-1247

Name	Activity	Activity_Date	Status	Cost
James E. Redmond	Costs to mail Notice of Repeat Violation/Notice fo Hearings to 5400 Turton Lane, Port Orange, FL 32127	08/29/2016	Nothing has been returned as of 9/23/16	\$7.09
Clerk of Court	Costs to record Finding of Fact, Conclusion of Law, and Order	09/28/2016		\$27.00
James E. Redmond	Costs to mail Finding of Fact, Conclusion of Law, & Order to 5400 Turton Lane, Port Orange, FL 32127	09/28/2016		\$7.09

Total: 41.18



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1247

To: **James E. Redmond**
5400 Turton Lane
Port Orange, FL 32127

Re: **5400 Turton Lane**
Port Orange, FL 32127
Parcel ID: **6314-01-07-0080**

LEGAL DESCRIPTION: **14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496
PG 1933**

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 28, 2016, indicates that certain **repeat** violation(s) of the City of Port Orange Code exists.

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

1. City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of Property Generally-Duty of Owner) (d), (f)
 - An inspection of the property on July 28, 2016 and subsequent days including August 24, 2016, shows the property as being overgrown, particularly the back and side yards, including vines extending up and over the pool enclosure and side of house. Additionally, vines (undergrowth) cover the stockade fence. Trash and debris is located in the side yard.
2. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance)
 - The stockade fence is falling down or missing in some areas. This fence needs to be repaired or replaced and maintained in its original, upright condition. This fence may be used for a safety barrier for the pool as required by the International Property Maintenance Code listed below.
3. Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) & 303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II.
 - The swimming pool shall be maintained in a clean and sanitary condition and in good repair and a safety barrier consisting of at least a 48" fence with self-closing and latching gates as described in the attached ordinance is required.

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 Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance. A repeat violation does not offer a time frame to bring property into 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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 8.18 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 28, 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 **November 9, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 26th day of August, 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 **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127, RE: 5400 Turton Lane, Port Orange, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

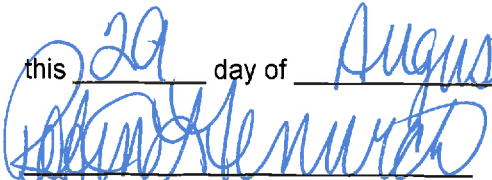
Time: 3:45 pm

this 26th day of August, 2016.

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, RE: **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, RE: **5400 Turton Lane, Port Orange, FL 32127**, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 29 day of August, 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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Notice of Proposed Taxes
Estimate of Taxes

Parcel Information: 6314-01-07-0080 **2016 Preliminary Tax Roll** Last Updated: 08-21-2016

Owner Name and Address

Alternate Key	3629159	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6314-01-07-0080	Mill Group	402 Port Orange
Full Parcel ID	14-16-33-01-07-0080	2015 Final Mill Rate	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	REDMOND JAMES E		
Owner Name/Address 1			
Owner Address 2	5400 TURTON LANE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5400 TURTON LN PORT ORANGE 32127		

Legal Description

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4496	1933	11/1999	Warranty Deed	Qualified Sale	Yes	68,500
4433	4840	05/1999	Warranty Deed	Institutional / bank	Yes	45,000
4378	3711	12/1998	Certificate of Title	Institutional / bank	Yes	100
3151	1080	06/1988	Warranty Deed	Qualified Sale	Yes	62,000
2262	1484	04/1981	Warranty Deed	Qualified Sale	Yes	42,500

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	19,813	54,679	11,013	85,505	77,058	77,058	25,000	52,058	25,000	27,058
2014	19,813	53,751	7,377	80,941	76,446	76,446	25,000	51,446	25,000	26,446

[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	75.0	140.0	75.00	FRONT FEET	245.00	108	100	100	100	19,813
Neighborhood 5771 HARBOUR TOWN VILLAGE											
Total Land Classified											0
Total Land Just											19,813

Building Characteristics

Building Number: 115414 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
115414	Single Family	150	1979	300		23%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Drywall	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	2	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	1979	N	0%	0%	1212 Sq. Feet	
003	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1985	N	0%	0%	168 Sq. Feet	

11/19/1999 09:34
Doc stamps 479.50
(Transfer Amt \$ 68500)
Instrument # 1999-228314
Book: 4496
Page: 1933
Diane M. Matousek
Volusia County, Clerk of Court

Parcel ID Number: 6314-01-07-0080
Grantee #1 TIN: [REDACTED]

Warranty Deed

This Indenture, Made this 16th day of November, 1999 A.D., Between Judith L. Raske, a single woman, and William J. Pearson, a single man,

of the County of Volusia, State of Florida, grantors, and James E. Redmond,

whose address is: 5400 Turton Lane, Port Orange, Florida, 32127

of the County of Volusia, State of Florida, grantee.

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

The southerly 15 feet of Lot 7, all of Lot 8, and the ^{NORTHERLY} North 10 feet of Lot 9, Block 7, Harbor Point Subdivision, as per map or plat thereof as recorded in Map Book 11, page 91, Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1999.

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

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.
Signed, sealed and delivered in our presence:

Printed Name: Robert K. T. Corey

Witness as to Both

Printed Name: Janet C. Benton

Witness as to Both

Judith L. Raske (Seal)

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

William J. Pearson (Seal)

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 16th day of November, 1999 by Judith L. Raske, a single woman, and William J. Pearson, a single man,

who are personally known to me or who have produced their Florida driver's licenses as identification.

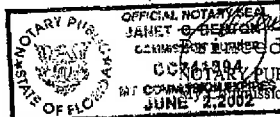
This Document Prepared By:

ROBERT KIT KOREY, ESQ.

JANET C. BENTON, REAL ESTATE ASSIST.

SUITE A 595 WEST GRANADA BLVD.

ORMOND BEACH, FL 32174



Name:

RASKE/REDMOND

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-112**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

V.

James E Redmond
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondent.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on February 26, 2014, after due notice to the Respondent, 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, James E Redmond, whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is the owner of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

B. The entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover. This condition was first observed at the real property described above on January 13, 2014; re-inspections made on February 7, 2014 confirmed the condition as being the same. The most recent inspection was on February 18, 2014 resulting in non-compliance. Respondent, James E Redmond, received notice via certified mail, posted on the property and City Hall on January 23, 2014, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). 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). 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.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4

(a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and was to be corrected by February 7, 2014.

C. At the time of the hearing on February 26, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondent, James E Redmond, by reason of the foregoing, has violated the Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). 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). 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.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the entire property in need to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent shall correct the aforesaid violation by mowing and weed eating the entire property, repairing the fence to its original and upright condition, removing the inoperable car in the front yard or must be properly parked, registered and licensed/covered with an approved car cover. The pool needs to be maintained in a clean and sanitary condition, the pool enclosure must be maintained in its original condition and any garbage, trash, debris, and outside storage needs to be removed from the property on or before March 10, 2014. In the event that the property is not brought into compliance on or before March 10, 2014, a fine of \$100 per day will be assessed for each day the property is in violation beyond March 10, 2014. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board 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 \$39.88 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. 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 Respondent 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 26 day of February, 2014.

Attest: Theresa Dutierrez
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

Instrument# 2014-041031 # 3
Book : 6966
Page : 17
Diane M. Matusek
Volusia County, Clerk of Court

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

[Signature]
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 James E Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 6 day of March, 2014.

Theresa Dutierrez
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 not been redacted pursuant to Florida Law.
By: [Signature] 15 day of March, 2014.

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

CASE NO. 14-112

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 26th day of February, 2014, at which time Staff and the Respondent, James E Redmond, had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His order finding that a violation exists which was reduced to writing, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondents in violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) & (f)

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.)

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

Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, as the same pertains to the entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., needs to be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, and required Respondent(s) to take certain corrective action no later than March 10, 2014.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by Code Compliance Inspector Amanda Bonin, certifying under oath that the required action has not been taken as ordered by the Board. A true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$100 per day beginning on the 11th day of March, 2014, is hereby imposed upon the Respondent, James E Redmond., which fine shall continue to accrue thereafter for each and every day the violation exists, shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. Included as part of this lien, the Respondent shall pay all costs incurred by the City of Port Orange in the prosecution of this case before the Magistrate, said costs being in the total amount of \$ 162.30.
3. The Respondent shall notify Code Compliance Inspector Amanda Bonin, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

Tax Parcel ID: 6314-01-07-0080
Street address: 5400 Turton Lane, Port Orange, Florida.
Legal Description: Volusia County Public Records 14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933, of the Public Records of Volusia County, Florida; and per deed recorded in Book 4496, page 1933, Public Records of Volusia County, Florida.

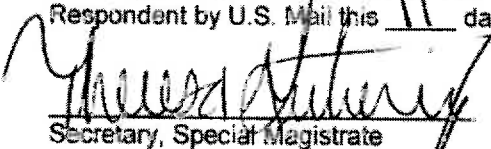
DONE AND ORDERED the 11th day of March, 2015, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 11 day of March 2015.


Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals.—An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed. History.—s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note.—Former s. 166.061.

Form Approved by the Board Attorney 08 08.0

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 14-112

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, The undersigned authority, personally appeared; Amanda Bonin, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on February 26, 2014, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondent was to have taken certain corrective action on or before March 10, 2014.
3. That a re-inspection was performed on April 9, 2014.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., needs be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover.

FURTHER AFFIANT SAYETH NOT.

Dated this 5th day of February 2015.

Amanda Bonin
Amanda Bonin
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

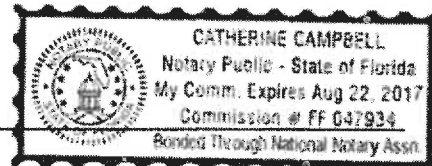
The foregoing instrument was acknowledged before me

This 5 day of January 2015 by
Amanda Bonin who

is personally known to me.

Catherine Campbell
Notary Public
State of Florida at Large

Commission No. _____



CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CASE NO: CEB 14-112

CITY OF PORT ORANGE,

Petitioner,

vs.

JAMES E REDMOND
5400 Turton Lane
Port Orange, FL 32127
6314-01-07-0080,

Respondent.

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 February 26, 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 March 10, 2014.
3. That at the request of the Respondent, a reinspection was performed by the undersigned on April 24, 2014.
4. That the reinspection revealed that the corrective action ordered by the Special Magistrate has been taken.
5. Therefore, daily fines shall not accrue beyond April 24, 2014. However, ANY FINES THAT ACCRUED UP THROUGH AND INCLUDING MARCH 11, 2014, THROUGH APRIL 23, 2014, ARE STILL IN FULL FORCE AND EFFECT.

FURTHER AFFIANT SAYETH NOT.

DATED this 5th day of February, 2015.

Amanda Bonin
Amanda Bonin

STATE OF FLORIDA
COUNTY OF VOLUSIA

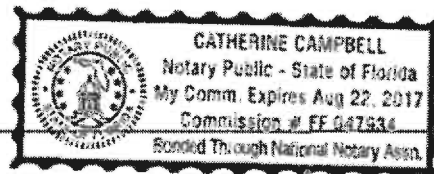
Before me, the undersigned authority, personally appeared Amanda Bonin, the Code Compliance Inspector identified in the foregoing Affidavit of Compliance; who acknowledged before me that she executed the foregoing instrument for the purposes expressed therein.

Sworn to and subscribed before me this 5 day of January, 2015.

Notary to check one:

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

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



CHAPTER 3

GENERAL REQUIREMENTS

SECTION 301 GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302 EXTERIOR PROPERTY AREAS

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

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of viola-

tion, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

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

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

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. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. 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. 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. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and 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 not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

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

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

(2) *Height.*

- (a) For residential uses, no permanent fence or wall shall exceed six feet in height in rear or side yards.
- (b) For residential uses, no permanent fence or wall shall exceed four feet in height in required front or side yards abutting rights-of-way.
- (c) For commercial and industrial uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than two feet to any right-of-way line, except as described in [subsection (b)](5) below.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with section 6 of this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- (b) Fences required or installed to provide rear lot screening of residential uses shall be exempt from right-of-way setback requirements. However, such fences shall comply with requirements to provide visibility clearance at intersections as described in section 6 of this chapter.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94)

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
Clerk of Court	Recording Fees - Order Setting Fine/Lien	09/28/2016		\$44.00
Judith Anderson, Citifinancial Servicing, and Citifinancial Servicing c/o CT Corporation in Florida	Mailing costs for Order Setting Fine/Lien (regular and certified)	09/28/2016		\$22.02

Total: 822.10



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 Loller

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

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

(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



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



D0012982291

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



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

[Chapter 1 - Scope and Administration](#)

▪ [SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT](#)

[\[A\] 108.1 General.](#)

[\[A\] 108.2 Closing of vacant structures.](#)

[\[A\] 108.3 Notice.](#)

[\[A\] 108.4 Placarding.](#)

[\[A\] 108.5 Prohibited occupancy.](#)

[\[A\] 108.6 Abatement methods.](#)

[\[A\] 108.7 Record.](#)

[\[A\] 108.1 General.](#)

[\[A\] 108.2 Closing of vacant structures.](#)

[\[A\] 108.3 Notice.](#)

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[\[A\] 108.5 Prohibited occupancy.](#)

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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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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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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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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:

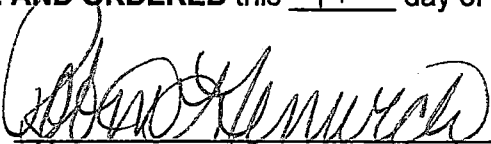
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, 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.

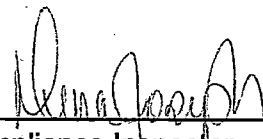
Attest:


Secretary, Code Enforcement Special Magistrate

By:

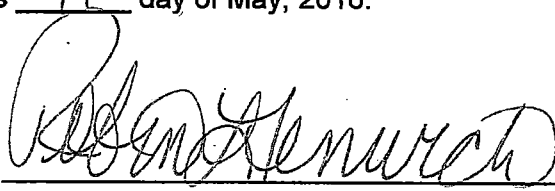

Code Enforcement Special Magistrate

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

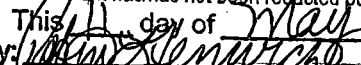

Code Compliance Inspector

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.

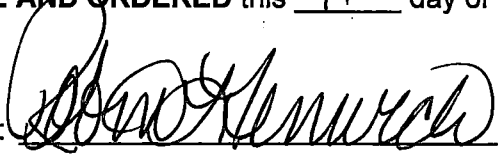
This 11 day of May, 2016.
By: 
/s/ Robin L. Fenwick

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.

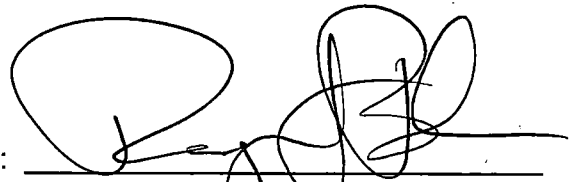
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

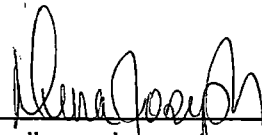
Attest:


Secretary, Code Enforcement Special Magistrate

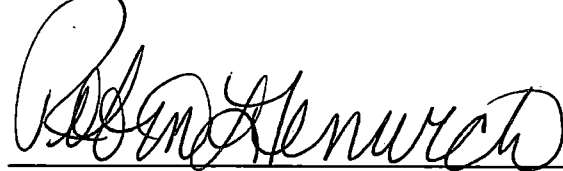
By:


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.

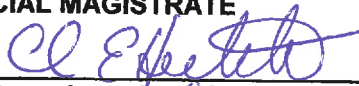
NOTICE OF HEARING SETTING FINE AND LIEN

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.

[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 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



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:

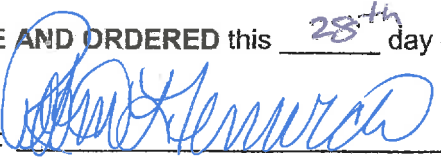
A. Considering the foregoing, Citifinancial Servicing LLC shall appear before the Special Magistrate during the public hearing to be held August 10, 2016 and demonstrate why the subject property should not be demolished.

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.

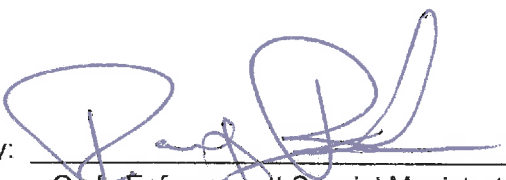
C. The public hearing before the Code Enforcement Special Magistrate will be held on **August 10, 2016, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida.

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

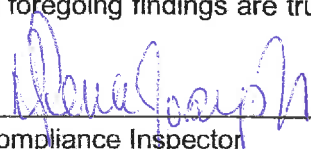
Attest:


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

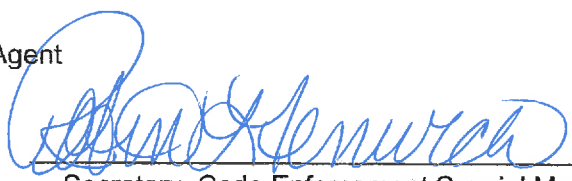
I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER TO APPEAR TO DEMONSTRATE WHY PROPERTY SHOULD NOT BE DEMOLISHED AND NOTICE OF PROCEEDING REGARDING ORDER TO DEMOLISH has been furnished to the below recipients by Certified and Regular Mail this 29 day of July, 2016.

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.

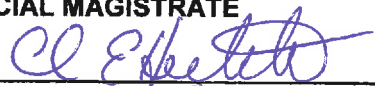
NOTICE OF HEARING SETTING FINE AND LIEN

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

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



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[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:

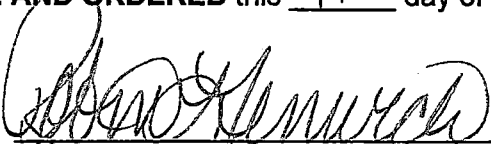
A. Respondent(s), JUDITH ANDERSON, shall correct the aforesaid violation by this ORDER on or before May 27, 2016. In the event that the property is not brought into compliance on or before May 27, 2016, and/or not maintained in a state of compliance, the City may, after submitting an Affidavit of Non-Compliance, 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.

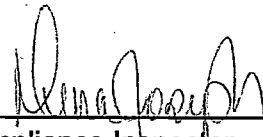
Attest:


Secretary, Code Enforcement Special Magistrate

By:

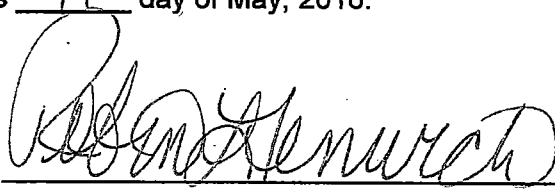

Code Enforcement Special Magistrate

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

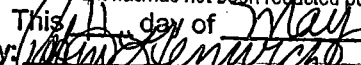

Code Compliance Inspector

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