

**CITY OF FRUITLAND PARK
CODE ENFORCEMENT-SPECIAL MAGISTRATE
HEARING AGENDA**

January 7, 2021

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731
9:00 A.M.

1. **CALL TO ORDER**
2. **APPROVAL OF MINUTES**
December 3, 2020
3. **ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**
4. **ATTORNEY PRESENTATIONS -HEARINGS**
 - a) **HEARING – NOTICE OF VIOLATION**
CE2019-0132
Property Address: 700 Phoenix Avenue, Fruitland Park, FL 34731
Property Owner: Cynthia L. Schadle, Estate
Violation: City Code, International Property Maintenance Code,
Sec. 308.1 - Accumulation of Rubbish and Garbage
Sec. 301.3 – Vacant Structures and Land.
Sec. 108.1.3 – Structure Unfit for human occupancy.
Grace Period for compliance expired: January 24, 2020
 - b) **HEARING – NOTICE OF VIOLATION**
CE2020-0064
Property Address: 105 W. Berckman Street, Fruitland Park, FL 34731
Property Owner: Raymond and Rhonda Everts
Violation: City Code, Chapter 97: Property Maintenance
Sec. 97.04 – Accumulation of Junk.
City Code, Land Development Regulations
Sec. 156.010 – Accessory uses and Structures.
International Property Maintenance Code
Sec. 302.7 – Accessory Structures.
Florida Building Code,
Sec. 105.01 – Permits Required
Grace Period for compliance expired: July 30, 2020

c) HEARING – NOTICE OF VIOLATION

CE2020-0014 – Repeat Violation
Property Address: 412 Sunny Court, Fruitland Park, FL 34731
Property Owner: Robert T. Moore
Violation: City Code, Chapter 97: Property Maintenance
Sec. 97.04 – Accumulation of Junk
Grace Period for compliance expired: February 21, 2020

5. REQUEST FOR HEARINGS

a) AFFIDAVIT OF NON-COMPLIANCE

CE2018-0043
Property Address: 19 Grizzard Street, Fruitland Park, FL 34731
Property Owner: Joseph Casteel, Jr.

b) AFFIDAVIT OF NON-COMPLIANCE

CE2019-0062
Property Address: 32 Grizzard Street, Fruitland Park, FL 34731
Property Owner: Tommy C. Smiley, Estate & Charlotte Bryant, Estate

6. OLD BUSINESS – NONE

7. NEW BUSINESS - NONE

8. PUBLIC COMMENTS

2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Code Enforcement-Special Magistrate. Accordingly, comments Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution, questions, and concerns regarding items listed on this agenda shall be received at the time the Code Enforcement-Special Magistrate addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

9. OTHER BUSINESS

10. ADJOURNMENT

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park Code Enforcement-Special Magistrate with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

Pursuant to FSS 162.11, all Code Enforcement-Special Magistrate cases that are appealed are appealed to Circuit Court. The appeals must be filed no later than 30 days from the date of the execution or signing date of the written Order that is to be appealed. Any Order issued by the City of Fruitland Park's Code Enforcement-Special Magistrate may be appealed, including the original order, any subsequent orders, an extension order, or a reduction order.

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

**CITY OF FRUITLAND PARK
CODE ENFORCEMENT-SPECIAL MAGISTRATE
HEARING MINUTES**

January 7, 2021

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, FL 34731

9:00 A.M.

DRAFT

PRESENT: Mr. Ashley Hunt, Attorney-at-law, Special Magistrate; Mses. Anita Geraci-Carver, City Attorney; Lori Davis, Code Enforcement Officer; Tracy Kelley, Community Development Director; Mr. Raymond Everts; Mr. Robert Moore and Ms. Cathy Lamb.

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

2. APPROVAL OF MINUTES

Special Magistrate Hunt approved the December 3, 2020 minutes as submitted.

3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES

Special Magistrate Hunt administration the oath to those present who intended to testify at this morning's hearing.

4. ATTORNEY PRESENTATIONS -HEARINGS

a) HEARING – NOTICE OF VIOLATION

CE2019-0132

Property Address: 700 Phoenix Avenue, Fruitland Park, FL 34731

Property Owner: Cynthia L. Schadle, Estate

Violation: City Code, International Property Maintenance Code,

Sec. 308.1 - Accumulation of Rubbish and Garbage

Sec. 301.3 – Vacant Structures and Land.

Sec. 108.1.3 – Structure Unfit for human occupancy.

Grace Period for compliance expired: January 24, 2020

Ms. Davis reported that the case was initially brought before her June 2019. The property owner, Ms. Cynthia L. Schadle, was served with a courtesy notice for accumulation of junk in the exterior rear yard of the property. Pictures of the accumulation of junk were presented by CE. Over the course of several months, CE made contact with the property owner several times in attempt to work with Ms. Schadle to address and eliminate the violation. As of January 10, 2020 however, the property had not been brought into compliance and the accumulation of junk had grown. Also, by this time, the property owner had passed away. Squatters/trespassers broke in the house and brought more items to the property.

A subsequent notice of violation was served due to the accumulation of more junk, improper property maintenance and a violation of vacant structure and

Code Enforcement Hearing Agenda

land. The property was left unsecured and non-maintained. Additionally, the property was unfit for human occupancy due to overgrowth of vegetation.

Complaints were reported to the city as a result of the condition of the property and rats coming into the home. The property was served and Ms. Davis was in touch with a family relative that she hoped would help with the issue. The relative however, was unable to do so due to their own health issues. Additional pictures were presented by Ms. Davis.

The city felt it was their obligation to abate the issue due to the overgrowth, junk, numerous calls to the city, rat infestation and homeless people coming in and out of the property. Ms. Davis stated that she followed rules and regulations provided through the international property maintenance code under the duties and powers of the code official. Notice was served regarding the violations and the property was condemned. The property was subsequently abated by the city by clearing out the junk and boarding up the windows and doors to prevent break-ins and further damage. Ms. Davis provided more photos and the process the city took to clean up the property to keep the neighborhood safe. All mailings were sent and postings were placed throughout the city as required by the state. Due to the abated work, \$1,400.40 was incurred by the city along with a second cost in the amount of \$59.16 for mailings and the officer's time for providing the case information.

Special Magistrate Hunt inquired whether there was an estate opened or whether it was the intent of the family to open one as a result of the property owner's death. Ms. Davis reported that as of approximately one month ago, her contact with the sister revealed that the sister was financially unable to go before probate court. Sister further reported that she was the only relative. Ms. Davis sent certified letter to known family member (sister) to help keep the family abreast of the status of the property. To date, no family member has stepped forward to assist with the issue/solution.

Special Magistrate Hunt asked if there was anyone in the audience that wished to speak applicable to the property and no one presented. Magistrate addressed Ms. Davis regarding what the city was seeking from an enforcement standpoint. Ms. Davis stated that the city was seeking to file a lien for incurred costs. The city will continue to maintain the property with mowing/maintaining the yard.

Special Magistrate Hunt stated that a lien for the judgement amount for current incurred costs (\$59.16 plus \$1,400.40, with the option to come back to the court for future expenses incurred by the city), would be granted. Ms. Davis requested that the order include the violation and the Magistrate concurred.

b) HEARING – NOTICE OF VIOLATION

CE2020-0064

Property Address: 105 W. Berckman Street, Fruitland Park, FL 34731

Property Owner: Raymond and Rhonda Everts

Violation: City Code, Chapter 97: Property Maintenance

Sec. 97.04 – Accumulation of Junk.

City Code, Land Development Regulations

Sec. 156.010 – Accessory uses and Structures.

International Property Maintenance Code

Sec. 302.7 – Accessory Structures.

Florida Building Code,

Sec. 105.01 – Permits Required

Grace Period for compliance expired: July 30, 2020

Ms. Davis reported that the property was brought to her attention and a courtesy notice was served June 24, 2020. At that time Ms. Davis requested property owner, Mr. Raymond Everts, to clear the accumulation of junk in the yard, to include broken/portable tent structures.

Ms. Davis also addressed the cleanup of overgrown vegetation on the property which was included and dated June 24, 2020. As of July 16, 2020, the property was still in violation for accumulation of junk, the accessory use of structure (to include tent structures), violation of property maintenance code and the excessive or unintended growth of vegetation. Additionally, buildings/structures were placed on the property whereby permits were not issued by the city. Pictures were presented of the property violations. Numerous complaints from neighbors and other constituents were received by the city.

Special Magistrate Hunt invited parties to speak and property owner Mr. Everts gave a general overview of the property and his employment status. Special Magistrate Hunt informed Mr. Everts that the city has regulations that he needed to comply with and asked whether he had received the notices. He further stated that there are provisions in the city code that require that he hold his property to certain standards.

Mr. Everts stated that his son came to help him clean up the property and to replace boards in a fence. He did not present new pictures to reflect the cleanup and stated that the rear yard was not visible because of an erected privacy fence.

Neighbor Cathy Lamb spoke on Mr. Everts behalf regarding her history with them (he and his wife) as neighbors. She elaborated that the health status of Mr. Everts and especially Mrs. Everts caused concern. Ms. Lamb stated that she spoke with Mr. Everts on several occasion about various items she felt needed to be removed from his property and Mr. Everts had indeed taken the time to remove some of those items.

Ms. Lamb expressed that she has witnessed him trying to maintain the property. She states that she spoke with him about getting help from local churches and/or community kids to help maintain the property. However, Mr. Everts wants to do the work himself. She specifically spoke with him about removing a gazebo structure in his yard and he is willing to take it down.

Code Enforcement Hearing Agenda

Mr. Everts expressed that he was being harassed by the city. Special Magistrate Hunt explained to that Ms. Davis is a code enforcement officer and can investigate and take pictures of public health or safety hazard issues.

Ms. Davis clarified that Mr. Everts had posted “no trespassing” signs on the property and that pictures were taken from the roadway/ right of way. She was able to use a feature on the camera to expand the view without going onto the property.

Special Magistrate Hunt found that Mr. Everts was in violation of several sections of code. He stressed that the property owner should cooperatively work with the city in getting the issues resolved. Special Magistrate Hunt explained that if the issues are not addressed, a fine will accrue on the property and a lien could potentially result.

Special Magistrate Hunt cited Sec 156.010 for tents, canopies and frames used as accessory structures are not allowed and must be removed. The permanent structures placed on the property by the previous owner will not be requested to be removed. Mr. Everts must work with Ms. Davis to get the property back into compliance. The excessive or unintended overgrowth of vegetation and undergrowth must also be cleaned up.

Ms. Davis requested that we give Mr. Everts time to coordinate with local churches and community organizations to assist with tree/bush trimming. He must also ascertain a more permanent “permitted” solution to the makeshift patchwork fencing on the eastern most side of the property. Additionally, the property owner would need to address maintenance of visible buildings and the clearance of junk and inoperable vehicles.

Special Magistrate Hunt will give Mr. Everts time to clean up the property before the April 1, 2021 return hearing. If the issues are not addressed by then, fines will be assessed. The assessment rate will be approximately \$50 per day.

c) HEARING – NOTICE OF VIOLATION

CE2020-0014 – Repeat Violation

Property Address: 412 Sunny Court, Fruitland Park, FL 34731

Property Owner: Robert T. Moore

Violation: City Code, Chapter 97: Property Maintenance

Sec. 97.04 – Accumulation of Junk

Grace Period for compliance expired: February 21, 2020

Ms. Davis stated that the case was previously heard on December 14, 2017 and an order of enforcement was given for property cleanup. As a result of the hearing, Love week helped the property owner cleanup and come back into compliance with the city.

Mr. Moore has since come into violation again for the same issue, accumulation of junk. Ms. Davis presented pictures of the violation, although a small amount of cleanup has since been done.

Mr. Moore stated that he went up north and removed a lot of property from his mom's house which was being condemned. He brought the items back and placed the items on his property. He currently has received help for a large cleanup of the hoarding issue.

Special Magistrate Hunt found that the property was in violation. Mr. Moore was granted 60 days to clean up the property and will report for a return hearing date of April 1, 2021. If cleanup is not done, he will be assessed \$50 per day until the violation is remedied.

5. REQUEST FOR HEARINGS

**a) AFFIDAVIT OF NON-COMPLIANCE
CE2018-0043**

**Property Address: 19 Grizzard Street, Fruitland Park, FL 34731
Property Owner: Joseph Casteel, Jr.**

Special Magistrate Hunt set a hearing date on Thursday of the following month (no actual date was specified).

**b) AFFIDAVIT OF NON-COMPLIANCE
CE2019-0062**

**Property Address: 32 Grizzard Street, Fruitland Park, FL 34731
Property Owner: Tommy C. Smiley, Estate & Charlotte Bryant, Estate**

Special Magistrate Hunt set a hearing date on Thursday of the following month (no actual date was specified).

6. OLD BUSINESS – NONE

7. NEW BUSINESS - NONE

8. PUBLIC COMMENTS

2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Code Enforcement-Special Magistrate. Accordingly, comments Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution, questions, and concerns regarding items listed on this agenda shall be received at the time the Code Enforcement-Special Magistrate addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

9. OTHER BUSINESS

10. ADJOURNMENT

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park Code Enforcement-Special Magistrate with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made,

Code Enforcement Hearing Agenda

which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

Pursuant to FSS 162.11, all Code Enforcement-Special Magistrate cases that are appealed are appealed to Circuit Court. The appeals must be filed no later than 30 days from the date of the execution or signing date of the written Order that is to be appealed. Any Order issued by the City of Fruitland Park's Code Enforcement-Special Magistrate may be appealed, including the original order, any subsequent orders, an extension order, or a reduction order.

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

4 a)

INSTRUMENT#: 2019042639 OR BK 5265 PG 2030 PAGES: 3 4/17/2019 2:09:42 PM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT & COMPTROLLER, LAKE COUNTY, FLORIDA
REC FEES: \$27.00



Record and Return to:
City of Fruitland Park
506 West Berckman Street
Fruitland Park, FL 34731

**BEFORE THE SPECIAL MAGISTRATE
CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

City of Fruitland Park,

Petitioner,

v

CASE NUMBER: CE2018-0043

Joseph Casteel Jr.,

Respondent,

_____ /

ORDER OF FINE

This cause came on for hearing on the 7th day of March, 2019, before the Special Magistrate of the City of Fruitland Park, Florida upon the petition of the City of Fruitland Park Code Enforcement Department, and the Special Magistrate having heard the testimony of the respective parties present and the evidence presented, the following Findings of Fact and Conclusions of Law are made:

FINDINGS OF FACT

1. That Respondent, Joseph Casteel Jr., 19 Grizzard Street, Fruitland Park, FL 34731, was properly served with notice of these proceedings at least ten (10) days prior to the hearing herein.
2. The violation which is the subject of this proceeding occurred on real property located in the City of Fruitland Park, Lake County, Florida, Described as 19 Grizzard Street, Fruitland Park, FL 34731, Lot 19, Vagabond Villas, according to the plat thereof recorded in Plat Book 17, Page 29, of the Public Records of Lake County, Florida, together with New Moon Mobile Home ID# 313821, and other improvements pertinent thereto. Parcel Number 10-19-24-060000001900 (the "Property").
3. Since on or before April 16, 2018, the Property has been in violation of City of Fruitland Park Code of Ordinances, Sections: 97.03 (Excessive or untended growth

of vegetation); 97.04 (Accumulation of Junk Prohibited); 302.7 (Maintenance of Accessory Structures), as well as any other codes that may apply.

4. That the Respondent, Joseph Casteel Jr., did not appear at the proceedings on July 5, 2018 or March 7, 2019.

CONCLUSIONS OF LAW

1. The Respondent has violated the provisions of City of Fruitland Park Code of Ordinances, Sections: 97.03 (Excessive or untended growth of vegetation); 97.04 (Accumulation of Junk Prohibited); 302.7 (Maintenance of Accessory Structures), as well as any other codes that may apply.
2. Based on the information provided through the evidence and testimony in this case, an Order of Fine is warranted.

ORDER

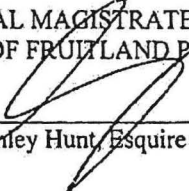
Respondent shall pay fines in the amount of \$50.00 per day commencing on August 4, 2018, for each day the property is not in compliance and shall continue to accrue at the daily rate of \$50.00 until such time as the property is brought into compliance with City of Fruitland Park codes.

Respondent shall pay costs associated with the file in the total amount of \$102.86. All fines and costs shall be paid to the City of Fruitland Park, 506 W. Berckman Street, Fruitland Park, FL 34731 within thirty (30) days of the date this Order is signed.

Failure to comply with this Order within the specified time shall result in the recordation of this Order, which constitutes a lien upon any real or personal property owned by the Respondent and may be foreclosed, and your property sold to enforce this lien. If such lien is filed, you will be assessed all costs incurred in recording and satisfying this lien.

DONE and ORDERED at City of Fruitland Park, Lake County, Florida, this 14th day of March, 2019.

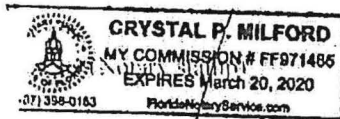
SPECIAL MAGISTRATE OF THE
CITY OF FRUITLAND PARK

By: 
Ashley Hunt, Esquire

STATE OF FLORIDA
COUNTY OF LAKE

Being an officer duly authorized to administer oaths and take acknowledgments, I hereby certify that on this day personally appeared before me Ashley Hunt, Esq. and known to me to be the person who executed the foregoing instrument and acknowledged to and before me that he executed said instrument for the purpose herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at Fruitland Park, Lake County, Florida, this 14th day of March, 2019.



Crystal P. Milford
Notary Public

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO A MATTER CONSIDERED AT A PUBLIC MEETING OR HEARING OF THE SPECIAL MASTER, CITY OF FRUITLAND PARK, FLORIDA, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD FOR SUCH PURPOSE IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

PURSUANT TO SECTION 162.11, FLORIDA STATUTES, EITHER THE CITY OF FRUITLAND PARK OR THE RESPONDENT MAY APPEAL A FINAL ADMINISTRATIVE ORDER OF THE SPECIAL MASTER TO THE CIRCUIT COURT IN LAKE COUNTY, FLORIDA. SUCH AN APPEAL SHALL BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER TO BE APPEALED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order of Fine was forwarded by regular United States mail to Joseph Casteel Jr., 19 Grizzard Street, Fruitland Park, FL 34731, this 18 day of March 2019.

Lori Davis
Lori Davis, Code Enforcement Officer



CE18-0043

19 Grizzard Street

Date: 10-1-20 - View of ROW with Overgrowth and Junk



CE18-0043

19 Grizzard Street

Date: 10-1-20 View of Junk buried in the Overgrowth



CE18-0043

19 Grizzard Street

Date: 10-1-20 View of Overgrowth with Junk



CE18-0043

19 Grizzard Street

Date: 10-1-20 View of ROW from North side of roadway



CE18-0043

19 Grizzard Street

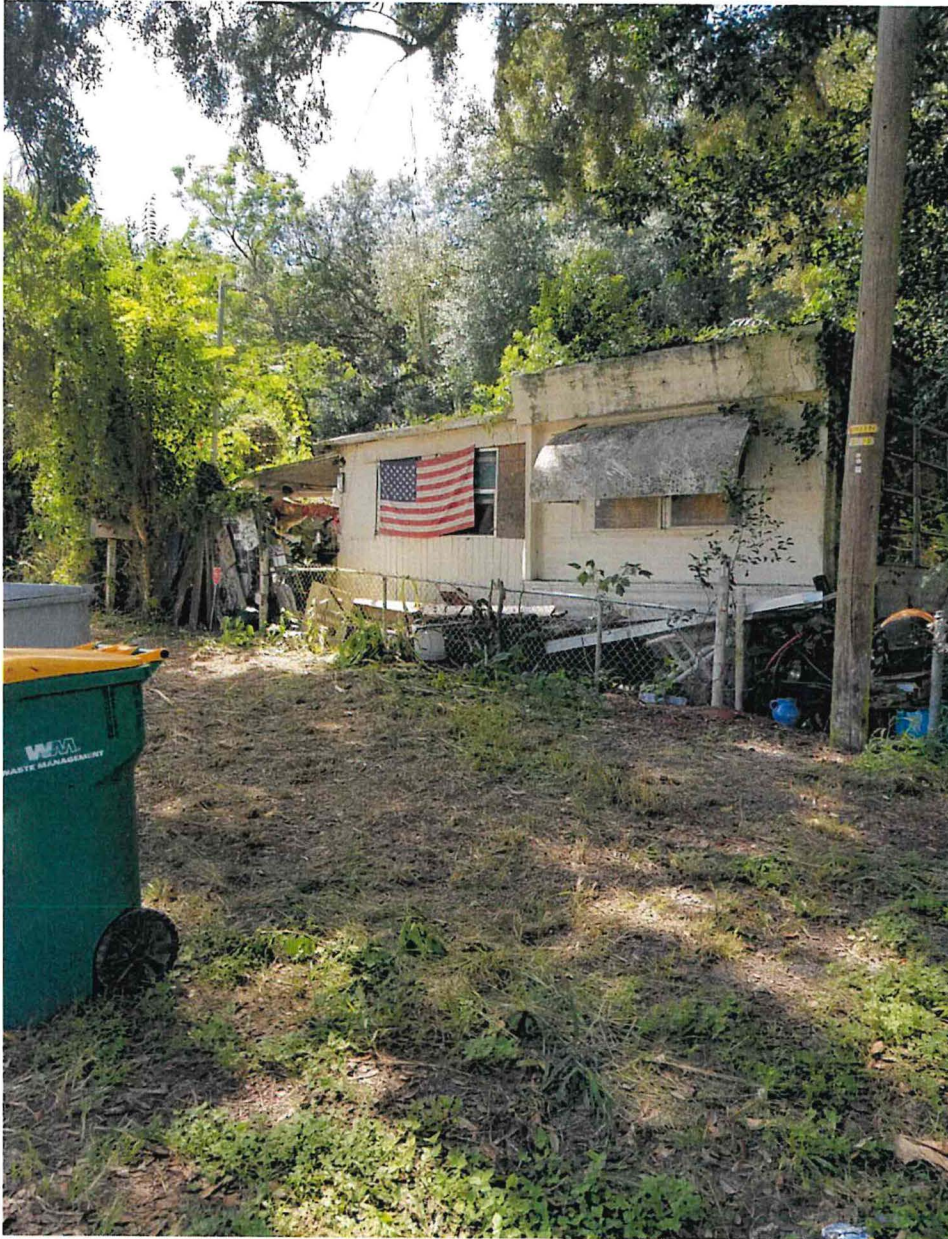
Date: 10-1-20 View of Overgrowth in ROW from South side of roadway.



CE18-0043

19 Grizzard Street

Date: 10-06-20 View of ROW after being cleared and mowed by the City.



CE18-0043

19 Grizzard Street

Date: 10-06-20 View of North end ROW after cleanup and mowing by the City.

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK,

v.

CASE NO.: CE18-0043

Joseph Casteel, Jr., Respondent
19 Grizzard Street
Fruitland Park, FL 34731

AFFIDAVIT OF NON-COMPLIANCE

Re: 19 Grizzard Street, Fruitland Park, FL 34731
Parcel Identification Number: 10-19-24-060000001900

BEFORE ME, the undersigned authority, personally appeared **Lori Davis**, Code Enforcement Officer of the City of Fruitland Park, Florida, who, after being first duly sworn, states upon oath and affirms as follows:

1. I am over the age of eighteen (18) and competent to testify.
2. I have personal knowledge of the facts contained in this affidavit, and those set forth in the case file referenced above.
3. On July 5th, 2018, the Code Enforcement Special Magistrate of the City of Fruitland Park held a public hearing and issued its Findings of Fact, Conclusions of Law.
4. Pursuant to the Findings of Fact, Conclusions of Law, Respondent was to have taken certain corrective actions on or before August 4th, 2018.
5. On September 30th, 2020, I re-inspected the Property which is the subject of the violation and the re-inspection revealed that the corrective action ordered by the Special Magistrate had not taken place.
6. The property remains in violation of Section(s) 97.03 (Excessive or untended

growth of vegetation), 97.04 (Accumulation of Junk, Prohibited) and 302.7 (Maintenance of Accessory Structures), Code of Ordinances, City of Fruitland Park.

FURTHER AFFIANT SAITH NOT.

Dated this 29 day of November, 2020.

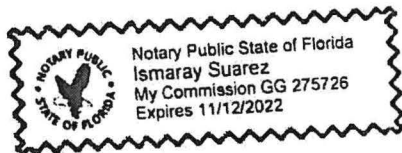
Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN TO AND SUBSCRIBED before me this 29 day of November, 2020,
by Lori Davis, Code Enforcement Officer of the City of Fruitland Park,
who is personally known to me and who did take an oath.

[Signature]
NOTARY PUBLIC
Print Name: Ismaray Suarez
My Commission Expires:

CERTIFICATE OF NOTICE

I HEREBY CERTIFY that the foregoing Affidavit of Non-Compliance has been furnished
this 29 day of November, 2020 via Certified U. S. Mail Return Receipt Requested,
and Regular U.S. Mail to Joseph Castel, Jr (owner/s) at
19 Orizzard Street, Fruitland Park, FL (insert address). Additionally, on
November 29, 2020 I posted the foregoing Affidavit of Non-Compliance on the
Property and at City Hall.



Lori Davis
Code Enforcement Officer
City of Fruitland Park

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: CE2018-0043

Joseph Casteel, Jr., Respondent
19 Grizzard Street
Fruitland Park, FL 34731

NOTICE OF HEARING – AFFIDAVIT OF NON-COMPLIANCE

To: Joseph Casteel, Jr.

Re: 19 Grizzard Street, Fruitland Park, FL 34731
Parcel Identification Number: 10-19-24-0600-000-1900

Please take notice that on the **4th** day of **February, 2021** at **9:00 A.M.** or as soon thereafter as may be heard, the undersigned will bring on to be heard before the Code Enforcement Special Magistrate the violation of City of Fruitland Park Code, Section 97.04: (Accumulation of Junk Prohibited), 97.03 (Excessive or Untended Growth of Vegetation) Code or Ordinances and International Property Maintenance Codes, Section 302.7 (Maintenance of Accessory Structures), and the Affidavit of Non-Compliance to the Code Enforcement Special Magistrate's Findings of Fact, Conclusions of Law entered on **July 5, 2018**.

Please govern yourself accordingly.

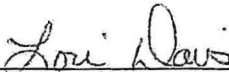
Dated this 25 day of January, 2021.



Code Enforcement Officer
City of Fruitland Park

CERTIFICATE OF NOTICE

I HEREBY CERTIFY that the foregoing Notice of Hearing – Affidavit of Non-Compliance has been furnished this 25 day of **January, 2021** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to **Joseph Casteel, Jr.** (owner/s) at **19 Grizzard Street, Fruitland Park, FL 34731**. Additionally, on **January 25, 2021**, I posted the foregoing Notice of Hearing- Affidavit of Non-Compliance on the Property and at City Hall.


Code Enforcement Officer
City of Fruitland Park

Pursuant to F.S. 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public hearing or hearing of the Code Enforcement Special Magistrate, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to F.S. 162.11 Florida, Statutes, either the City of Fruitland Park or a respondent may appeal a final administrative order of the Code Enforcement Special Magistrate to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execute of the Order to be appealed.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the hearing date and time at 352-360-6727.

Invoice
October 16, 2020

City of Fruitland Park
506 W. Berckman Street
Fruitland Park, FL 34731
352-360-6795

Job: 19 Grizzard St
Property Cleanup Due To Code Compliance Issues

<u>Date</u>	<u>Name</u>	<u>Hours</u> <u>Labor \$20/Hour</u>	<u>Equipment</u> <u>\$30.00/Hour</u>	<u>Total Hours</u> <u>Billed/</u> <u>Equipment</u>
<u>October 1, 2020</u>			\$30.00	\$120.00
	Caleb	4 Hours		\$80.00
	Taylor	4 Hours		\$80.00
<u>October 2, 2020</u>			\$30.00	\$120.00
	Caleb	4 Hours		\$80.00
	Taylor	4 Hours		\$80.00
			Subtotal	\$560.00
			Tax	
			Total	<u>\$560.00</u>

4 b)

INSTRUMENT #2020093596
OR BK 5531 PG 538 - 541 (4 PGS)
DATE: 8/26/2020 10:53:56 AM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$35.50

Record and Return to:
City of Fruitland Park
506 West Berckman Street
Fruitland Park, FL 34731



**BEFORE THE SPECIAL MAGISTRATE
CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

City of Fruitland Park,

Petitioner,

v

CASE NUMBER: CE2019-0062

Tommy C. Smiley Estate &
Charlotte A. Bryant Estate
32 Grizzard Street
Fruitland Park, FL 34731,

Respondents,

_____ /

ORDER OF ENFORCEMENT AND DEMOLITION

This cause came on for hearing on the 18th day of July, 2019, before the Special Magistrate of the City of Fruitland Park, Florida upon the petition of the City of Fruitland Park Code Enforcement Department, and the Special Magistrate having heard the testimony of the respective parties present and the evidence presented, the following Findings of Fact and Conclusions of Law are made:

FINDINGS OF FACT

1. That Respondents, Tommy C. Smiley Estate and Charlotte A. Bryant Estate, 32 Grizzard Street, Fruitland Park, FL 34731, were properly served with notice of these proceedings at least ten (10) days prior to the hearing herein.
2. That no representative of the Respondents appeared at the proceeding on July 18, 2019.
3. The violation which is the subject of this proceeding occurred on real property located in the City of Fruitland Park, Lake County, Florida, Described as 32 Grizzard Street, Fruitland Park, FL 34731, Parcel Number 10-19-24-0600-000-03100 (the "Property"), with a legal description of:

LOT 32 AND THAT PART OF LOT 31 IN VAGABOND VILLAS, A SUBDIVISION IN THE TOWN OF FRUITLAND PARK, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17, PAGE 29, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT A POINT ON THE NORTH LINE OF SAID LOT 31 THAT IS MID-WAY BETWEEN THE NORTHEASTERLY CORNER AND THE NORTHWESTERLY CORNER OF SAID LOT 31; THENCE SOUTHEASTERLY AND PARALLEL WITH THE WESTERLY LINE OF SAID LOT 31 TO THE SOUTH LINE OF SAID LOT 31; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 31 TO THE SOUTHEASTERLY CORNER OF SAID LOT 31 TO THE NORTHEASTERLY CORNER OF SAID LOT 31; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 31 TO THE POINT OF BEGINNING.

TOGETHER WITH that certain "1962" "VAGA" singlewide mobile home bearing the ID# GSA2147 and Florida Title # 1455376, which is a permanent attachment and part of said real property.

4. Since on or before May 13, 2019, the Property has been in violation of City of Fruitland Park City Code(s), Chapter 97, Section 97.04 (Property Maintenance, Accumulation of Junk Prohibited) and International Property Maintenance C, Sections 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), and 108.1.5 (Dangerous Structure or Premises), as well as any other codes or laws that may apply.

CONCLUSIONS OF LAW

1. The Respondent has violated the provisions of City of Fruitland Park City Code(s), Chapter 97, Section 97.04 (Property Maintenance, Accumulation of Junk Prohibited) and International Property Maintenance Code, Sections 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), and 108.1.5 (Dangerous Structure or Premises), as well as any other codes or laws that may apply.
2. Based on the information provided through the evidence and testimony in this case, an Order of Enforcement and Demolition is warranted.

ORDER

Respondent shall pay costs associated with the file in the amount of \$32.00. All fines and costs shall be paid to the City of Fruitland Park, 506 W. Berckman Street, Fruitland Park, FL 34731.

Respondent shall have two (2) weeks to obtain any required permits to demolish the home, mow and maintain the lot, clear the trash, junk and debris from the property and otherwise bring the property into compliance to cure the violations described above.

Failure to bring the Property into compliance with the City of Fruitland Park codes shall result in an Order of Fine being issued at the rate of \$50.00 per day to commence thirty (30) days from the date of the July 18, 2019, hearing for each day the Property is not in compliance and continue to accrue at the daily rate of \$50.00 until such time as the Property comes into compliance.

Respondent shall contact the Code Enforcement Officer at 352-360-6727 to advise that the Property has been brought into compliance and request an inspection to verify same.

If the Respondent does not bring the property into compliance within two (2) weeks, the City of Fruitland Park Code Enforcement may seek permission from the City Commission to demolish and clear the premises of the unsafe structure and junk and debris consistent with the requirements of the International Property Maintenance Code.

DONE and ORDERED orally upon the record at the hearing held on July 18, 2019, at City of Fruitland Park, Lake County, Florida. Reduced to writing this 14th day of August, 2020.

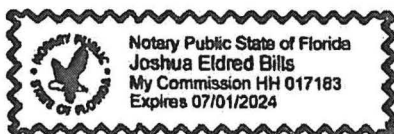
SPECIAL MAGISTRATE OF THE
CITY OF FRUITLAND PARK

By: _____

STATE OF FLORIDA
COUNTY OF LAKE

Being an officer duly authorized to administer oaths and take acknowledgments, I hereby certify that on this day personally appeared before me Ashley Hunt, Esq. and known to me to be the person who executed the foregoing instrument and acknowledged to and before me by means of physical presence or online notarization that he executed said instrument for the purpose herein expressed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal at Fruitland Park, Lake County, Florida, this 14th of August, 2020.



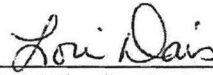
Notary Public

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO A MATTER CONSIDERED AT A PUBLIC MEETING OR HEARING OF THE SPECIAL MASTER, CITY OF FRUITLAND PARK, FLORIDA, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD FOR SUCH PURPOSE IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

PURSUANT TO SECTION 162.11, FLORIDA STATUTES, EITHER THE CITY OF FRUITLAND PARK OR THE RESPONDENT MAY APPEAL A FINAL ADMINISTRATIVE ORDER OF THE SPECIAL MASTER TO THE CIRCUIT COURT IN LAKE COUNTY, FLORIDA. SUCH AN APPEAL SHALL BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER TO BE APPEALED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order of Fine was forwarded by regular United States mail to Tommy C. Smiley Estate and Charlotte A. Bryant Estate, 32 Grizzard Street, Fruitland Park, FL 34731, this 18th day of August, 2020.



Lori Davis, Code Enforcement Officer

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK,

v.

CASE NO.: CE2019-0062

Tommy C. Smiley Estate &
Charlotte A. Bryant Estate, Respondent
32 Grizzard Street
Fruitland Park, FL 34731

AFFIDAVIT OF NON-COMPLIANCE

Re: Property Address: 32 Grizzard Street, Fruitland Park, FL 34731
Parcel Identification Number: 10-19-24-0600-000-03100

BEFORE ME, the undersigned authority, personally appeared Lori Davis, Code Enforcement Officer of the City of Fruitland Park, Florida, who, after being first duly sworn, states upon oath and affirms as follows:

1. I am over the age of eighteen (18) and competent to testify.
2. I have personal knowledge of the facts contained in this affidavit, and those set forth in the case file referenced above.
3. On July 18, 2019, the Code Enforcement Special Magistrate of the City of Fruitland Park held a public hearing and issued its Findings of Fact, Conclusions of Law.
4. Pursuant to the Findings of Fact, Conclusions of Law, Respondent was to have taken certain corrective actions on or before August 17, 2019.
5. On January 20, 2020, I re-inspected the Property which is the subject of the violation and the re-inspection revealed that the corrective action ordered by the Special Magistrate had not taken place.
6. The property remains in violation of Chap. 97, Section 97.04 (Property

Maintenance, Accumulation of Junk Prohibited) Code or Ordinances and International Property Maintenance Codes, Sections 108.1.1(Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), and 108.1.5 (Dangerous Structure or Premises), City of Fruitland Park.

FURTHER AFFIANT SAITH NOT.

Dated this 29 day of December, 2020

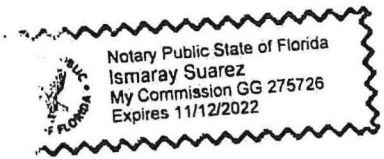
Lori Davis
Code Enforcement Officer
City of Fruitland Park

SWORN TO AND SUBSCRIBED before me this 29 day of December, 2020, by Lori Davis, Code Enforcement Officer of the City of Fruitland Park, who is personally known to me and who did take an oath.

[Signature]
NOTARY PUBLIC
Print Name: Ismaray Suarez
My Commission Expires:

CERTIFICATE OF NOTICE

I HEREBY CERTIFY that the foregoing Affidavit of Non-Compliance has been furnished this 29 day of December, 2020 via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to Tommy C. Smiley Estate & Charlotte A. Bryant (owner/s) at 32 Orizzard Street, Fruitland Park, FL 34731 (insert address). Additionally, on December 29, 2020 I posted the foregoing Affidavit of Non-Compliance on the Property and at City Hall.



Lori Davis
Code Enforcement Officer
City of Fruitland Park

**CODE ENFORCEMENT
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: CE2019-0062

Tommy C. Smiley Estate &
Charlotte A. Bryant Estate, Respondent
32 Grizzard Street
Fruitland Park, FL 34731

NOTICE OF HEARING – AFFIDAVIT OF NON-COMPLIANCE

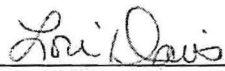
To: Tommy C. Smiley Estate & Charlotte A. Bryant Estate

Re: 32 Grizzard Street, Fruitland Park, FL 34731
Parcel Identification Number: 10-19-24-0600-000-03100

Please take notice that on the **4th** day of **February, 2021** at **9:00 A.M.** or as soon thereafter as may be heard, the undersigned will bring on to be heard before the Code Enforcement Special Magistrate the violation of City of Fruitland Park Code, Section 97.04: (Accumulation of Junk Prohibited), Code or Ordinances and International Property Maintenance Codes, Sections 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), and the Affidavit of Non-Compliance to the Code Enforcement Special Magistrate's Findings of Fact, Conclusions of Law entered on July 18, 2019.

Please govern yourself accordingly.

Dated this 25 day of January, 2021.



Code Enforcement Officer
City of Fruitland Park

CERTIFICATE OF NOTICE

I HEREBY CERTIFY that the foregoing Notice of Hearing – Affidavit of Non-Compliance has been furnished this **25** day of **January, 2021** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to Tommy C. Smiley Estate & Charlotte A. Bryant Estate (owner/s) at 32 Grizzard Street, Fruitland Park, FL 34731. Additionally, on **January 25, 2021**, I

posted the foregoing Notice of Hearing- Affidavit of Non-Compliance on the Property and at City Hall.


Code Enforcement Officer
City of Fruitland Park

Pursuant to F.S. 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public hearing or hearing of the Code Enforcement Special Magistrate, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to F.S. 162.11 Florida, Statutes, either the City of Fruitland Park or a respondent may appeal a final administrative order of the Code Enforcement Special Magistrate to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execute of the Order to be appealed.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the hearing date and time at 352-360-6727.



CE19-0062

32 Grizzard Street

Date: 1-20-20 Property still in violation and dangerous conditions due to fire damage



CE19-0062

32 Grizzard Street

Date: 1-20-20 Property still in violation, structure and property dangerous due to fire damage



CE19-0062

32 Grizzard Street

Date: 2-3-21 Photo of vacant and cleared lot of 32 Grizzard St.

Sitework Contractors, Inc.
 729
 Fruitland Park, FL 34731

INVOICE

Invoice Number: 92374
 Invoice Date: Jan 31, 2020
 Page: 1

Voice: 352-787-8144
 Fax:

Bill To:
CITY OF FRUITLAND PARK 506 W Berckman St. Fruitland Park, FL 34731

Ship to:
32 GRIZZARD ST.

Customer ID	Customer PO	Payment Terms	
CITY FP		Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	Deliver		3/1/20

Quantity	Item	Description	Unit Price	Amount
		DEMOLISH MANUFACTURED SINGLE FAMILY HOME		4,500.00
		LESS PERMIT FEE		-200.00
		PO # 2020107 DISBURSEMENTS CONTROL CITY OF FRUITLAND PARK 43327 Check # 01524 790 30842 Vendor # Acct. # 2/21/20 Date Paid		

40533
 90940

Demolition - 32 Grizzard

Subtotal	4,300.00
Sales Tax	
Total Invoice Amount	4,300.00
Payment/Credit Applied	
TOTAL	4,300.00

Check/Credit Memo No:

ok

THIS DOCUMENT CONTAINS A MICROPRINT SIGNATURE LINE, A VOID PANTOGRAPH, AND A WATERMARK ON BACK



CITY OF FRUITLAND PARK
506 WEST BERCKMAN STREET
FRUITLAND PARK, FLORIDA 34731
GENERAL FUND

UNITED SOUTHERN BANK
Umatilla, FL 32784

CHECK NO. 043327
43327

63-528
631

VENDOR	CHECK DATE	CHECK AMOUNT
790	02/21/2020	\$4,300.00

*****4,300 DOLLARS AND NO CENTS

VOID AFTER 90 DAYS

PAY

TO THE ORDER OF LOGAN SITEWORK CONTRACTORS INC
PO BOX 729
FRUITLAND PARK FL 34731

MP

MP

AUTHORIZED SIGNATURE

⑈043327⑈ ⑆063105285⑆ 023297⑈

43327

043327

CITY OF FRUITLAND PARK

INVOICE DATE	INVOICE NUMBER	INVOICE DESCRIPTION	NET INVOICE AMOUNT	PO NO.	VOUCHER
01/31/20	92374	DEMOLITION-32 GRIZZARD	4,300.00	2020107	89492

790 LOGAN SITEWORK CONTRACTORS INC 4,300.00 43327