

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

**February 4, 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**  
January 7, 2021
3. **ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**
4. **ATTORNEY PRESENTATIONS -HEARINGS**
  - a) **HEARING – Notice of Hearing – Affidavit of Non-Compliance**  
CE2018-0043  
Property Address: 19 Grizzard Street, Fruitland Park, FL 34731  
Property Owner: Joseph Casteel Jr.  
Violation: City Code  
Sec. 97.04 - Accumulation of Junk Prohibited  
Sec. 97.03 – Excessive or Untended Growth of Vegetation  
International Property Maintenance Code  
Sec. 302.7 – Maintenance of Accessory Structures  
Grace Period for compliance expired: August 4<sup>th</sup>, 2018
  - b) **HEARING – Notice of Hearing – Affidavit of Non-Compliance**  
CE2019-0062  
Property Address: 32 Grizzard Street, Fruitland Park, FL 34731  
Property Owner: Tommy C. Smiley Estate & Charlotte A. Bryant Estate  
Violation: City Code, Chapter 97: Property Maintenance  
Sec. 97.04 – Accumulation of Junk Prohibited  
International Property Maintenance Code  
Sec. 108.1.1- Unsafe Structures  
Sec. 108.1.3 - Structure Unfit for Human Occupancy  
Sec. 108.1.5 – Dangerous Structure or Premises  
Grace Period for compliance expired: August 17, 2019
5. **REQUEST FOR HEARINGS - NONE**
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

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 7<sup>th</sup> 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**

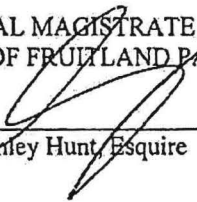
Respondent shall pay fines in the amount of \$50.00 per day commencing on August 4, 2018, for each day the property is not in compliance and shall continue to accrue at the daily rate of \$50.00 until such time as the property is brought into compliance with City of Fruitland Park codes.

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 14<sup>th</sup> day of March, 2019.

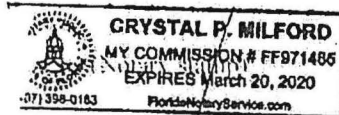
SPECIAL MAGISTRATE OF THE  
CITY OF FRUITLAND PARK

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 14<sup>th</sup> 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.**



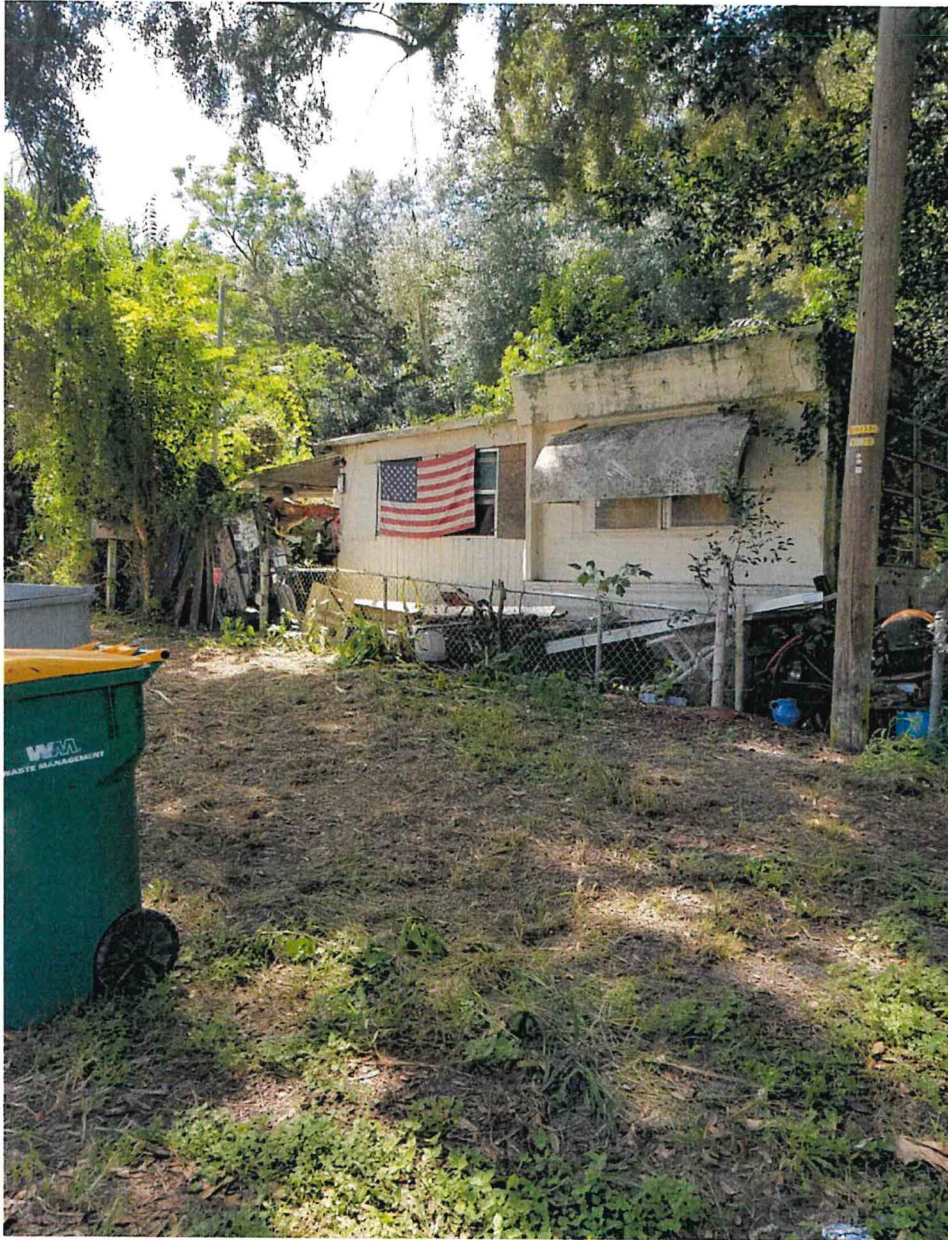


**CE18-0043**

**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 5<sup>th</sup>, 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

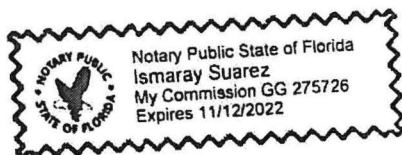
SWORN TO AND SUBSCRIBED before me this 29 day of November, 2020, by Lori Davis, Code Enforcement Officer of the City of Fruitland Park, who is personally known to me and who did take an oath.

[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 Costel, Jr (owner/s) at 19 Orizzard Street, Fruitland Park, FL (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.: 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**.

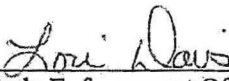
Please govern yourself accordingly.

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 18<sup>th</sup> 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 14<sup>th</sup> day of August, 2020.

SPECIAL MAGISTRATE OF THE  
CITY OF FRUITLAND PARK

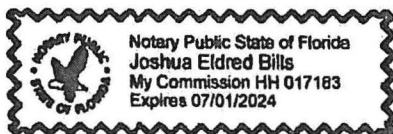
By: \_\_\_\_\_



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 14<sup>th</sup> 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 18<sup>th</sup> 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

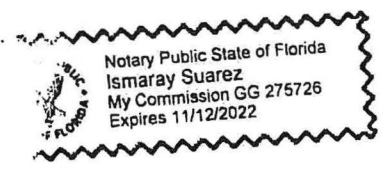
Lori Davis  
Code Enforcement Officer  
City of Fruitland Park

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 Crizzard 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

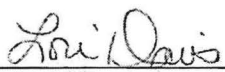
**NOTICE OF HEARING – AFFIDAVIT OF NON-COMPLIANCE**

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:

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

<b>Ship to:</b>
32 GRIZZARD ST.

<b>Customer ID</b>	<b>Customer PO</b>	<b>Payment Terms</b>	
CITY FP		Net 30 Days	
<b>Sales Rep ID</b>	<b>Shipping Method</b>	<b>Ship Date</b>	<b>Due Date</b>
	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 Vendor # 790      Acct. # 30342 Date Paid 2/21/20		

40533  
 90940

Demolition - 32 Grizzard

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

Check/Credit Memo No:

ok me

THIS DOCUMENT CONTAINS A MICROPRESS 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

CITY OF FRUITLAND PARK

043327

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