

**BEFORE THE SPECIAL MAGISTRATE  
OF THE CITY OF DELTONA, FLORIDA**

Certified

**CITY OF DELTONA**  
FLORIDA, a municipal corporation,

Petitioner,

vs.

CASE NO.: **DEL-23-184 MASSEY**

**TAH MS Borrower LLC**  
**% Tricon American Homes LLC**  
**1508 Brookhollow Drive**  
**Santa Ana, CA 92705**

Respondent.

\_\_\_\_\_ /

**ORDER IMPOSING FINE AND LIEN (MASSEY)**  
**Findings of Fact and Conclusions of Law**

**THIS CAUSE** was heard on September 27, 2023 before the undersigned Special Magistrate, after being duly noticed, to determine whether the previously-determined violation was timely corrected. The undersigned Special Magistrate having heard the arguments of the parties and the evidence presented and having reviewed the record and being otherwise fully advised, makes the following Findings of Fact and Conclusions of Law:

**Findings of Fact and Conclusions of Law**

Based upon the evidence and testimony presented at this hearing under oath, the Code Enforcement Special Magistrate finds:

1. The property which is the subject of this code enforcement action is described as **813011230510** with physical address **1571 Pendleton Street, Deltona, FL 32725**.
2. The Respondent was properly provided a Notice of Hearing (Massey) in accordance with Section 2-112 of the City of Deltona Code of Ordinances ("City Code") and consistent with Sections 162.06 and 162.12 of the Florida Statutes.
3. On May 24, 2023, the Special Magistrate found the Respondent in Violation of Section 18-3 of the City Code, adopting the latest edition of the Florida Building Code, Section 105.1, which states that any owner, authorized agent, who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or

structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit.

4. The Respondent was ordered to correct the violation by 4:00 P.M. on July 24, 2023, which required the Respondent to obtain a permit for the fence.

5. The Code Enforcement Officer Todd Meade testified that he/she re-inspected the property for compliance on September 27, 2023 and testified and presented photographs of the following conditions that remain on the property, which constitute continuing non-compliance with the Order: No permit had been obtained as of the hearing date.

6. The Respondent was not present at the hearing.

7. The Respondent either failed or refused to correct the violation of Section 18-3 of the City Code, adopting the latest edition of the Florida Building Code, Section 105.1, within the time ordered.

**BASED ON THE FOREGOING FACTS AND CONCLUSIONS, IT IS HEREBY ORDERED:**

1. Respondent, failed to correct the violation and comply with Section 18-3 of the City Code, adopting the latest edition of the Florida Building Code, Section 105.1 within the time ordered.

2. A fine is hereby imposed in the amount of **\$3200.00** as of the hearing date, September 27, 2023, which shall continue to accrue at a rate of \$50 per day and shall continue each and every day until the violation is corrected and full compliance is confirmed by the Code Enforcement Officer.

3. The Respondent is further ordered to contact the Code Enforcement Officer to verify compliance with the Order, on/at the property described as Parcel No.: **813011230510**, physical address: **1571 Pendleton Street, Deltona, FL 32725**

4. Any and all future recurrences of the violation addressed herein after same has been corrected shall necessitate further proceedings before the Code Enforcement Special Magistrate without necessarily providing Respondent an opportunity to correct such violation. The Code Enforcement Special Magistrate, upon finding such repeat violation exists may impose a fine not to exceed five hundred dollars (\$500.00) per day for each repeat violation, beginning on the first day the repeat violation is found to exist.

5. A Certified copy of this Order may be recorded in the Public Records of Volusia County and thereafter shall constitute a lien against the subject property on which the violation exists and upon any other real or personal property owned by the Respondent. This recorded Order shall constitute notice of the lien to any subsequent purchasers,

Certified

successors in interest, or assigns of all real and personal property owned by the Respondent, and the findings herein shall be binding upon the Respondent and any subsequent purchasers, successors in interest, or assigns.

6. This Order may be appealed to the Circuit Court within thirty (30) days of its execution.

DONE AND ORDERED at City of Deltona, Florida on this 14<sup>th</sup> day of October, 2023.

*Kristin N. Eick*

Kristin N. Eick, Special Magistrate

WITNESSED my hand and official seal this 25<sup>th</sup> day of October, 2023.

Seal



*Vanessa Buck*

Notary Public, ~~Renée Cairney~~ *Vanessa Buck* v.1  
My Commission Expires: ~~12/28/2023~~ *12/28/2024*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing ORDER IMPOSING FINE AND LIEN (MASSEY) Findings of Fact and Conclusions of Law has been furnished by mail to: TAH MS Borrower LLC %Tricon American Homes LLC, 1508 Brookhollow Drive, Santa Ana, CA 92705, this \_\_\_ day of October, 2023.

STATE OF FLORIDA  
COUNTY OF VOLUSIA  
This is to certify that the foregoing is a true and correct copy of order imposing fine + lien (massey) witness my hand and official Seal this 27<sup>th</sup> day of October 20 23  
Elizabeth Kay  
*Elizabeth Kay*

*Renée Cairney*  
Renée Cairney  
Recording Secretary

*DANNY ROY*  
Code Compliance Mgr