

County

CODE ENFORCEMENT BOARD  
CASE #CE2004-0174

County of Sumter, Petitioner

Vs.

Cales Zane Elliott, Respondent

STATE OF FLORIDA, COUNTY OF SUMTER  
I HEREBY CERTIFY that the above and  
foregoing is a true copy of the original.  
Sumter County Code Enforcement Board  
By Alysia Akins Recording Secretary  
Dated April 20, 2005

**ORDER IMPOSING PENALTY/LIEN**

THIS CAUSE came on for public hearing before the Code Enforcement Board (herein referred to as "Board") on January 10, 2005, after due notice to Respondent(s), at which time the Board heard testimony under oath, received evidence, and issued its Findings of Facts and Conclusions of Law and thereupon issued its oral Order which was reduced to writing and furnished to Respondent(s). Respondent(s) was given the right to request a hearing within 20 days.

Said Order required Respondent(s) to take action by a time certain, as specifically set forth in that Order.

An Affidavit of Non-Compliance, bearing the date of February 14, 2005, has been filed with the Board by the Code Inspector, which Affidavit certified under oath that the required corrective action has not been taken as ordered.

Accordingly, it having been brought to the Board's attention that Respondent(s) has not complied with the order dated January 25, 2005, it is hereby:

ORDERED that Respondent(s) pay to Sumter County a fine in the amount of \$200 per day for each and every day the violation(s) exist(s) and continues to exist at 6429 CR 177/Wildwood described as:

Parcel-G08B106  
Section 8, Township 19S, Range 23E  
Lots 26 and 27, Block 6, Kerl Miller Subdivision

after February 11, 2005, which was the date previously set by the Board's Order for compliance.

A certified copy of this ORDER can be recorded and shall then constitute a lien for all the accrued fines against the above described property, and any other real or personal property that the violator owns in Sumter County where recorded pursuant to Section 162.09 of the Florida Statutes.

DONE AND ORDERED this 20th day of April, 2005 at Sumter County, Florida.

CODE ENFORCEMENT BOARD

Horton Barnes  
Chairman

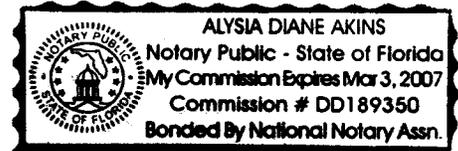
ATTEST:

DATED April 20, 2005  
Alysia Akins  
Recording Secretary

*PERSONALLY appeared before me, the undersigned authority, Horton Barnes, well known to me and known by me to be the Chairman, respectively of the CODE ENFORCEMENT BOARD, and acknowledged before me that he executed the foregoing instrument on behalf of the CODE ENFORCEMENT BOARD, as its true act and deed, and that he was duly authorized to do so.*

WITNESS my hand and official seal this date: April 20, 2005.

Alysia Diane Akins  
Notary Public  
My commission expires:



I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by certified mail to Respondent this 20th day of April, 2005.

Alysia Akins  
Recording Secretary

SUMTER COUNTY, FLORIDA  
GLORIA HAYWARD, CLERK OF CIRCUIT COURT

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**SUMTER COUNTY CODE ENFORCEMENT BOARD**  
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

*Respondent:* Cales Zane Elliott  
*File No.:* CE2004-0174

This cause was presented for public hearing before the Sumter County Code Enforcement Board, Sumter County, Florida, (hereinafter Board) on January 10, 2005 after due notice to the Respondent. The Board having heard testimony under oath, received evidence, and heard argument of counsel (if any), thereupon issues its Findings of Fact, Conclusions of Law, and Order as follows:

**I. FINDINGS OF FACT:**

- A. The Respondent owns real property located at 6429 CR 177, Wildwood, Florida, also known as parcel identification number G08B106.
- B. The Respondent was sent Notice of Hearing by certified mail informing him a hearing would be held before the Sumter County Code Enforcement Board to determine whether the Respondent was violating Section 13-51(A)(3)(A) of the Sumter County Code.
- C. The Respondent was not present at the hearing.
- D. Linda Green, Guardian Ad Litem, was present and spoke on the children's behalf.
- E. Paul Jochum, Code Compliance Manager, testified electric was being provided through an extension cord. The issued building permit had expired due to inspections not being kept current. Mr. Jochum recommended a demolition order for the older mobile home and condemnation for the newer mobile home until all current building permits and required inspections can be completed.

**II. CONCLUSIONS OF LAW:**

- A. Section 13-51.(A)(3)(A) PERMITTING OCCUPANCY states:  
Subject to Article VI (Nonconforming Situations) of this Chapter, no person may use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under his control except in accordance with all of the applicable provisions of this Chapter. For purposes of this section, the use or occupancy of a building or land relates to anything and everything that is done to, on, or in that building or land. In relation to use or occupancy, the following is expressly prohibited: No occupancy of a building subject to the requirements of this Chapter is permitted until a temporary or regular Certificate of Occupancy has been issued for such building.
- B. The Respondent is in violation of the above named code by occupying the mobile home without required inspections and current building permit.

SUMTER COUNTY, FLORIDA  
GLORIA HAYWARD, CLERK OF CIRCUIT COURT

04/20/2005 #2005-12697  
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**III: ORDER:**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that:

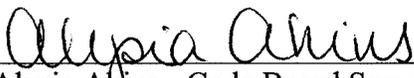
- A. The Respondent shall have 30 days, which will be February 11, 2005, to obtain the current building permit and required inspections.
- B. If the Respondent fails to do so by February 11, 2005, a fine in the amount of two hundred dollars (\$200.00) per day will ensue against any personal or real property for each and every day the property remains in violation. Also, the older mobile home will be demolished and the newer mobile home will be condemned, all at the Respondent's expense.
- C. In addition to any fine, the Respondent shall be responsible for all inspection costs, collection costs, administrative costs, legal fees, attorneys' fees, recording costs and any other costs associated with the collection of this ORDER.

**Notification of compliance to this order rests solely with the Respondent.**

DONE AND ORDERED this 25<sup>th</sup> day of January, 2005, in Bushnell, Sumter County, Florida.

  
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Horton Barnes, Chairperson

I hereby certify that a true and correct copy of the above and foregoing Findings of Fact, Conclusions of Law, and Order will be furnished by certified mail to the respondent on this 25<sup>th</sup> day of January, 2005.

  
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Alysia Akins - Code Board Secretary