

City of South Daytona
Building Department

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3025



To: James L. Gillis, Jr, City Manager
From: Nick Ventura C.B.O., Chief Building Official
Date: April 27, 2022
Re: Council Consideration of Resolution No. 2022-10, declaring 530 Elizabeth Place unsafe and unfit for human habitation and potentially injurious to the public health, safety or welfare so as to constitute a threat to public health, welfare and safety of the community and authorizing the City to proceed with the demolition of said structures and liening the said property pursuant to the City's Code of Ordinances.

The house located at 530 Elizabeth Place was owned by Ms. Caroline K. Vann until her death over ten years ago. Her daughter, Carolyn V. Vann, then occupied the house until her death in June 2021. Carolyn V. Vann had a son who was living with her in the house, but he too passed away in June 2021. This left the house unoccupied without a lawful owner.

After the November City Council meeting a neighbor informed staff that people were living in the subject house without water or electric services. Upon inspection, it was discovered that there were individuals occupying the house without electric or water service and in dilapidated, unsanitary conditions. The occupants could produce no legal instruments to prove that they had the authority to occupy the dwelling.

As a result, the City Council approved Resolution No. 2022-03 on January 11, 2022 which deemed the property unfit for human habitation and required the property owner to restore electric and water service with 24 hours or the City would remove all unauthorized occupants and secure the structure until such time the structure can be deemed fit for habitation.

On January 13, 2022, staff secured the premises after the occupants vacated per City Council Resolution 2022-03. The Chief Building Official had an opportunity to inspect the property and found that the structure was not only unfit for human habitation but was potentially injurious to the health, safety and welfare of the general public.

On January 21, 2022, the home was posted, notices were mailed and the contacts for the Mortgage Company were notified of the findings.

The Chief Building Official, Code Compliance Manager and Deputy City Clerk met with various contractors and representatives from Carrington Mortgage Company on February 17, 2022, and March 7, 2022.

At the end of February, Paralegal Gillian Harriott and Attorney Lauren Einhorn from Kelly Kronenberg (Attorney's representing Carrington Mortgage Company) requested copies of the demolition quotes the city had solicited in late January. Verbal conversations with members of the Law Firm coupled with meetings from various contractors employed by the Mortgage Company indicated demolition of the structure was planned. In order to allow additional time to secure a contractor and submit permits, staff scheduled the property violations to be heard by the Special Master on March 10, 2022. At the Special Master Hearing Attorney Adam Haba (Kelly Kronenberg, Attorneys at Law) represented Carrington Mortgage Company and provided no objection to the ordered compliance date of April 11, 2022. At the hearing, the Special Master based on evidence presented and testimony found the property in violation of the following:

- (1) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (2) City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.
- (3) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (4) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

- (5) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the

perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

- (6) City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.13, Windows, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Staff reached out to the Mortgage company as well as the team from Kelly Kronenberg, Attorneys at Law in late March and early April to no avail. Contact, progress, reports and discussions had ceased. At the April 14, 2022 Special Master Hearing there was no representative at the hearing and staff had to report to the Special Master that no progress had been made. The Special Master signed an Order Imposing Fine/Lien in the amount of \$250.00 per day.

After the hearing staff was able to set a site visit with representatives from the Mortgage Company on April 20, 2022 but the representatives failed to show. A Notice of Hearing was sent on April 21, 2022.

Due to the proximity to our Elementary School and the continued deterioration of the structure which was found by the Chief Building Official as not only unfit for human habitation but as potentially injurious to the health, safety and welfare of the general public, staff requests Council, in accordance with the City of South Daytona Code of Ordinances section 5-200, adopt an order to have the structure demolished:

Sec. 5-201. - Finding and notice requiring correction.

If at any time, upon the recommendation and after investigation by the building inspector, a building or other structure located and situate on private property within the city shall have become so dilapidated, deteriorated or otherwise unsafe or unfit for human habitation or use, or otherwise unsafe or injurious, or potentially injurious to the public health, safety or welfare, the city council may adopt an order declaring such building or other structure to be so dilapidated, deteriorated or otherwise unsafe or unfit for human habitation or use, or otherwise unsafe or injurious, or potentially injurious to the public health, safety or welfare, as the case may be, and in said order shall specify the time within which the owner or owners of said building or structure, shall cause the said building or structure to be demolished, removed or refurbished at the sole expense of said owner or owners, and without compensation by said city; and shall cause a copy of said order to be delivered to said owner or owners or any of them, either in person or by registered mail. If the owner or owners cannot be located so that personal delivery of a copy of said order cannot be made upon any of them, or if the post office address of said owner or owners, or either of them cannot, after

reasonable inquiry be determined, then a copy of said order shall be posted in a conspicuous place upon said building or structure.

The above determination of the city council shall be at a public hearing where the owner of the structure or building is provided a notice thereof and an opportunity to be heard. Notice of the public hearing shall be either hand delivered to the owner or sent by certified mail to the address of said individual on record with the tax assessor's office. The city shall also post the notice of hearing on the subject building or structure.

Funding:

Funding is proposed to come from the General Fund and be placed on the Non-Ad Valorem tax assessment for 2022.

The elimination of blight is for the betterment of the entire community and is an effort to maintain the highest property values.

Staff recommendation:

Approval of Resolution 2022-10 and an order be issued for the single-family home to be demolished and removed and site stabilized by seeding/hay installation if not repaired or removed on or before May 31, 2022 by the property owner.

If approved and the property owner fails to repair or remove the structure by the date specified above, the cost for the city to remove the structure will be approximately \$7,000 and will occur in June 2022.

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA; ADOPTED PURSUANT TO CHAPTER 5 (BUILDING, HOUSING AND STRUCTURAL REGULATIONS, ARTICLE X, DANGEROUS STRUCTURES) OF THE SOUTH DAYTONA CODE OF ORDINANCES FINDING THE STRUCTURE LOCATED AT 530 ELIZABETH PLACE, SOUTH DAYTONA, FLORIDA IS UNSAFE AND UNFIT FOR HUMAN HABITATION AND POTENTIALLY INJURIOUS TO THE PUBLIC HEALTH, SAFETY OR WELFARE SO AS TO CONSTITUTE A THREAT TO THE PUBLIC HEALTH, WELFARE AND SAFETY OF THE COMMUNITY; AUTHORIZING THE CITY TO PROCEED WITH THE DEMOLITION OF SAID STRUCTURES AND LIENING THE SAID PROPERTY PURSUANT TO THE CITY'S CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, this resolution pertains to the real property located at 530 Elizabeth Place, South Daytona, Parcel Number 5328-04-29-0100 (Subject Property) which is owned by the Estate of Carolyn V. Vann (Property Owner); and

WHEREAS, the City Council declared the structures on this site as unfit for human habitation on January 11, 2022 through Resolution 2022-03; and

WHEREAS, on January 13, 2022, the building was secured by city personnel per Resolution 2022-03 and the Building Official inspected the structure and found that the structures are not only unfit for human habitation but are now potentially injurious to the health, safety and welfare of the general public (Code Reference-City of South Daytona Code of Ordinances Chapter 5, Article X Sections 5-200 and 5-201); and

WHEREAS, the Special Master heard the cause at a hearing on March 8, 2022 where he found the property to be in violation of City Codes and provided a compliance date of April 11, 2022; and

WHEREAS, due to the condition of the Subject Property the Chief Building Official believes that it is appropriate to present this case to the City Council for further action pursuant to Chapter 5, Article X of the City's Code of Ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SOUTH DAYTONA, FLORIDA:

Section 1. Based on the evidence presented at a public hearing held on 10th day of May, 2022, the City Council hereby makes the following findings:

1. That the owner of the property located at 530 Elizabeth Place, South Daytona (Subject Property) is the Estate of Carolyn V. Vann, whose address according to the Volusia County Property Appraiser's Office is 530 Elizabeth Place, South Daytona (Property Owner).
2. That the Property Owner was noticed on January 21, 2022 via posting of the home and via US Certified Mail of this public hearing and was given an opportunity to be heard on the issue of the condition of the Subject Property.
3. On January 13, 2021, the Chief Building Official found that the structures on the property are not only unfit for human habitation but are now potentially injurious to the health, safety and welfare of the general public.
4. On January 13, 2021, the Chief Building Official cited the following violations:
 - a. Rotten and dilapidated structure.
 - b. Apparent failure of the roof system (IPMC 304.4 and 304.7).
 - c. Rotten soffit and fascia.
 - d. Unsafe electrical service and wiring.
 - e. Lacks Protective Treatment and window, and door frames are damages, missing, rotten and dilapidated (IPMC 304.2 and 304.13).
5. The Building Official in a letter dated January 21, 2022, the Property Owner was given until February 21, 2022 to have a full engineering assessment of the structures on site and submitted with permit applications for all required repairs OR have a demolition permit submitted for the removal of the structure and all accessory elements.

6. The Special Master heard the cause on March 8, 2022 and provided a compliance date of April 11, 2022. Attorney Adam Haba from Kelly Kronenberg, Attorneys at Law, 10360 West State Road 84, Fort Lauderdale was the representative from Carrington Mortgage Company who has interest in the property at 530 Elizabeth Place.
7. On April 14, 2022, the Special Master signed the Order Imposing Fine/Lien due to no progress being made on correcting the violations or starting the process of demolition.
8. A Notice of the City Council Hearing was posted on site and sent on April 21, 2022.

Section 2. Based on the above findings presented at a public hearing, the City Council hereby orders the following:

1. That the Property Owner is given to May 31, 2022, to submit the full engineering assessment of the structures on site along with the permit applications for all required repairs OR have a demolition permit submitted for the removal of the structure and all accessory elements at their sole expense and without compensation from the City of South Daytona and arrange for inspection by Chief Building Official.
2. If the Property Owner fails to comply with this Order by the above date, the Chief Building Official is authorized to proceed with any and all available legal remedies, including but not limited to the demolition of the structures on the Subject Property and the recording of a lien in the Public Records for the costs incurred by the City.

Section 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

Section 4. That all resolutions made in conflict with this Resolution are hereby repealed.

Section 5. That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED upon first and final reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 10th day of May 2022.

CITY OF SOUTH DAYTONA

William C. Hall, Mayor

ATTEST:

James L. Gillis Jr.
City Manager

Approved as to form and legality for use and reliance of the City of South Daytona, Florida:

Wade C. Vose, City Attorney

530 Elizabeth Place, South Daytona

Photo taken on 4/8/2022 by Bret Steele



530 Elizabeth Place, South Daytona

Photo taken on 4/8/2022 by Bret Steele



530 Elizabeth Place, South Daytona

Photo taken on 4/8/2022 by Bret Steele



530 Elizabeth Place, South Daytona

Photo taken on 4/8/2022 by Bret Steele



530 Elizabeth Place, South Daytona

Photo taken on 4/20/2022 by CBO Ventura



530 Elizabeth Place, South Daytona

Photo taken on 4/20/2022 by CBO Ventura





**CITY OF SOUTH DAYTONA
CODE ENFORCEMENT
SPECIAL MASTER ORDER**

3/16/2022 8:54:43 AM
Instrument# 2022060740 3 pages
Book: 8220 Page: 380
Electronically Recorded By
Volusia County Clerk of the Court

City of South Daytona, a political subdivision of the State of Florida

City of South Daytona, Petitioner,

vs.

Vann Carolyn V Estate, Respondent

RE: Case Number: 21-000378

Address of Violation: 530 Elizabeth Place, South Daytona, Florida 32119

Tax Parcel Number: 532804290100

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE, came on for public hearing before the undersigned Special Master on March 10, 2022 after due Notice to the Respondent.

1. The Respondent/ Representative did ~~/did not~~ attend the hearing.
2. Based on the testimony and evidence presented, the Special Master issues the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

3. Carolyn V Vann Estate is the property owner of record for 530 Elizabeth Place, South Daytona, Florida 32119, Tax Parcel Number: 532804290100.
4. Structure has been deemed unsafe/unfit for human occupancy via Resolution 2022-03 by the South Daytona City Council on January 11, 2022.
5. Unsafe and unsanitary conditions exist on the property.
6. Structure has been deemed unsafe by Chief Building Official, due to hazardous electrical.
7. There is an apparent failure of the roof system.
8. Structure lacks Protective Treatment throughout.
9. Throughout the structure window and door frames are damaged, missing, rotten and dilapidated.

CONCLUSIONS OF LAW

The Special Master hereby finds based on the above Findings of Fact the property is found in violation of:

10. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

11. City of South Daytona Code of Ordinances 5-200, Prohibited. It shall be unlawful to keep or maintain any building or structure located within the city in a dilapidated, unsanitary or unsafe condition.

12. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

13. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Any form of plastic, cloth, fabric, material commonly known as "tarp," wood, or other material that is used to conceal loose or missing shingles, cracks, holes or openings that expose or could expose an interior part of a structure, including the contents therein, to rain, hail or wind, or to theft or loss must be removed and permanent repairs completed within 30 days.

14. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.2, Protective Treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains

shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

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15. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.13, Windows, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

ORDER

16. Based on the above Findings of Fact and Conclusions of Law, the Special Master hereby orders that the Respondent correct the violation on or before April 11, 2022. If the Respondent fails to comply with this Order, a fine of \$ 250.00 per day will be imposed for each day the violation continues past the date as prescribed. If the Respondent fails to comply with this Order, the City is authorized to begin abatement proceedings as outlined below.

17. In the event the Property Owner fails to correct the violation within the time allotted herein, in addition to any fee/fine set above, pursuant to Section 2-299(b)(6), the City is hereby authorized to take the necessary action to remedy the violation and an administrative fee of \$125.00 will be imposed. The costs incurred by the City shall be added to the fee/fine and will be included as part of any recorded fine. In the event the Property Owner fails to maintain the property, the City is hereby authorized to continue until such time as the Property Owner does maintain the Property.

18. The property owner must notify the City when compliance has occurred and is not in compliance until the City has inspected and determined compliance. This order will be recorded in the Public Records of Volusia County and any other County pursuant to law, if you do not notify the City and comply by the date noted above. When so recorded, this order shall constitute a lien against all real and personal property of the Respondent pursuant to law. If the property owner wants to contest the fine or the City's determination of non-compliance, the property owner must request a hearing before the Special Master by filing a request with the City in writing.

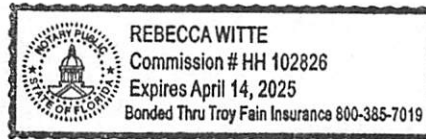
In addition, if the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

19. A hearing to determine whether the Respondent has complied is set for April 14, 2022 at 9:00am in the City of South Daytona Council Chambers located at 1672 S. Ridgewood Avenue, South Daytona, Florida. The sole issue of this hearing is to determine whether the property has been brought into compliance.

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

DONE AND ORDERED this 10th day of March, 2022, at South Daytona, Volusia County, Florida.

By: _____
Matthew D. Branz, Esquire, Special Master



STATE OF FLORIDA, COUNTY OF VOLUSIA

This document was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 10 day of March, 2022

he/she is personally known to me or has presented _____ as identification

Rebecca Witte (Notary).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER has been sent by hand delivery or certified US Mail this 10th day of March, 2022.
9171 9690 0935 0106 4695 31

By: Bert Steele
Code Compliance Officer: _____
City of South Daytona, Florida

This instrument prepared by and please return to: City of South Daytona, Attention Finance, PO BOX 214960, South Daytona, FL 32121-4960



**CITY OF SOUTH DAYTONA
CODE ENFORCEMENT
SPECIAL MASTER ORDER**

City of South Daytona, a political subdivision of the State of Florida

City of South Daytona, Petitioner,

vs.

Vann Carolyn V Estate, Respondent

RE: Case Number: 21-000378

Address of Violation: 530 Elizabeth Place, South Daytona, Florida 32119

Tax Parcel Number: 532804290100

ORDER IMPOSING FINE / LIEN

The City of South Daytona Special Master has heard testimony under oath at a hearing on April 14, 2022.

THIS CAUSE, came on for public hearing before the undersigned Special Master on March 10, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated March 10, 2022, where the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by April 11, 2022. The property remains in violation and accordingly, a fine of \$250.00 per day for violation of the following shall be imposed:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 111.1.3, Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
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3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property

Maintenance Code 304.4, Structural members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.7, Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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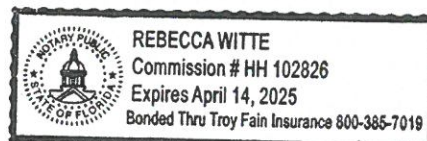
These fines shall begin April 12, 2022 and continue to accrue against the property 530 Elizabeth Place, South Daytona, FL 32119 until said property is brought into compliance.

This Order will be recorded immediately in the Public Records of Volusia County, Florida, and shall constitute a lien against the above-described property and upon any other real or personal property owned by the Respondent(s), pursuant to Section 162.08 and 162.09, Florida Statutes.

DONE AND ORDERED this 14th day of April, 2022, at South Daytona, Volusia County, Florida.

By: _____
Matthew D. Branz, Esquire, Special Master

STATE OF FLORIDA, COUNTY OF VOLUSIA



This document was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 14 day of April, 2022.

he/she is personally known to me or has presented _____ as identification

Rebecca Witte (Notary).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ORDER has been sent by hand delivery or certified US Mail this 18th day of April, 2022. #9171 9690 0935 0246

By: Bret Steck

Code Compliance Officer: _____

City of South Daytona, Florida

7870 90

This instrument prepared by and please return to: City of South Daytona, Attention Finance, PO BOX 214960, South Daytona, FL 32121-4960

IN THE CIRCUIT COURT OF THE 7TH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA

CASE NO.: 2022 30091 CICI

BANKUNITED, N.A.,

Plaintiff,

v.

THE UNKNOWN HEIRS, DEVISEES, GRANTEES,
ASSIGNEES, CREDITORS, LIENORS AND TRUSTEES
OF CAROLYN V. VANN; CAROLINE L.
KARASZEWSKI; UNKNOWN SPOUSE OF CAROLINE
L. KARASZEWSKI; SECRETARY OF HOUSING AND
URBAN DEVELOPMENT; PELOTON, INC.; UNIFUND
CCR PARTNERS; ALL UNKNOWN PARTIES
CLAIMING INTERESTS BY, THROUGH, UNDER OR
AGAINST A NAMED DEFENDANT TO THIS ACTION,
OR HAVING OR CLAIMING TO HAVE ANY RIGHT,
TITLE OR INTEREST IN THE PROPERTY HEREIN
DESCRIBED; UNKNOWN TENANT #1; UNKNOWN
TENANT #2,

Defendant(s).

NOTICE OF VOLUNTARY DISMISSAL

Plaintiff, BANKUNITED, N.A., by and through its undersigned counsel, voluntarily
dismisses its Complaint for foreclosure and other relief, without prejudice, and cancels the Notice of
Lis Pendens as to the property described as follows:

**THE SOUTHEASTERLY 8.17 FEET OF LOT 10 BLOCK 29 AND THE
ADJOINING VACATED STREET BEING IN UNIT 1 OF GANYMEDE
SUBDIVISION AS PER MAP BOOK 10 PAGE 171, MORE PARTICULARLY**

DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF
BLOCK 29 OF SAID GANYMEDE UNIT #1 RUN N 27°49' W FOR A DISTANCE
OF 8.17 FEET TO P.O.B, THENCE S 52° 03' 30" W A DISTANCE OF 113.47
FEET TO A POINT THENCE S 27° 50' 30" E A DISTANCE OF 157.67 FEET TO
THE WESTERLY RIGHT OF WAY OF ELIZABETH PLACE; THENCE
NORTHWARD ALONG THE ROAD RIGHT-OF-WAY 179.5 FEET TO
EVERGREEN; THENCE ALONG EVERGREEN 19.17 FEET TO THE P.O.B.

a/k/a 530 Elizabeth Place, South Daytona, FL 32119.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via
U.S. Mail and/or E-Service compliant with Rule of Judicial Administration 2.516 delivery this 2nd
day of May, 2022 to: PELOTON, INC., 6816 Southpoint Pkwy, Suite 600, Jacksonville, FL 32216;
Secretary of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410;
Unifund CCR Partners, 10625 Techwoods Circle, Cincinnati, OH 45242.

Kelley Kronenberg
Attorneys for Plaintiff
10360 West State Road 84
Fort Lauderdale, FL 33324
Telephone: (954) 370-9970
Service email: ftlrealprop@kelleykronenberg.com
Attorney email: leinhorn@kelleykronenberg.com

By: /s/ Lauren K. Einhorn
Lauren K. Einhorn, Esq.
Florida Bar No.: 95198



SAMSULA DEMOLITION

Phone: 386-423-6769

Cell: 386-314-2254

Fax: 386-423-1436

Email: mike.samsulademolition@yahoo.com

363 State Road 415

New Smyrna Beach FL, 32168

PROPOSAL CONTRACT AGREEMENT

#

To: City of South Daytona

Attn: Becky Witte

Date: 4/21/22

Phone: 386-322-3019

Email: Bwitte@southdaytona.org

We hereby submit specifications and estimates to:

PROJECT: 530 Elizabeth Place South Daytona, Fla.

DESCRIPTION OF WORK: Mobilization of Equipment, Supervision, Trucking of Debris to a Licensed Disposal Facility including Tipping Fees, Recycling of Concrete Blocks/ Footers/ Foundations/ Various Slabs, Salvage Rights, Utility Locates.

Demolition:

- 1. Demolition of a Single Story Structure, Main Building/ Carport/ Porch/ Finished Utility (App. 1,924 s.f.)**
- 2. Remove Concrete Driveway 1 Each.**
- 3. Clean-Up Various Debris on Property.**
- 4. Demo Permit.**
- 5. Hydro-Seeding all Disturbed Areas.**
- 6. FDEP Notification of Demolition.**
- 7. Leveling of Existing Soils Disturbed by Demolition.**

Total: \$6,591.00

PRICE DOES NOT INCLUDE: bond, impact fees, erosion control, silt fencing, tree protection, turbidity barrier, sod, removal of any unsuitable/ hazardous/contaminated materials, removal of any asbestos containing materials, removal of any pilings/pile caps/grade beams, abandonment of any storage or electrical vaults/wells/ transformers/grease traps/gas-fuel-oil-propane tanks/septic tanks, utility relocates, environmental survey, open cuts in roadways, sidewalk repair or replacement, any type of fencing removal of or temporary, imported fill dirt, top soil, irrigation work/repair, clearing and grubbing, tree trimming, root pruning, offsite work, abandonment and replacement of curb cuts/driveway aprons

SAMSULA WASTE INC. DBA SAMSULA DEMOLITION WILL BE RESPONSIBLE ONLY FOR WORK STATED ABOVE. All material is guaranteed to be as specified. Upon execution of this proposal, Samsula Waste Inc. dba Samsula Demolition reserves all salvage rights regarding demolition. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation. NOTE: This proposal may be withdrawn by us if not accepted within Thirty (30) Days.

SAMSULA REPRESENTATIVE: _____

PLEASE SIGN BELOW AND RETURN ORIGINAL UPON ACCEPTANCE

UPON EXECUTION OF THIS PROPOSAL, THIS DOCUMENT BECOMES A CONTRACT.

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made regardless of damage claim. Contract balance will be due in full upon completion of the scope of work. In the event that amount herein shown is not paid when due, interest at the highest legal rate per annum shall accumulate on total due. All costs of collection shall be paid by the customer including but not limited to reasonable attorney fees.

CUSTOMER'S SIGNATURE: _____

DATE: _____

PROPOSAL GOOD FOR 30 DAYS