



AGENDA
MAGISTRATE HEARING
March 26, 2024 - 8:00 AM

195 Christobal Road – North, Mary Esther, FL 32569

- 1. INVOCATION**
- 2. SWEARING IN**
- 3. HEARING OF CASES**
 - 3.1. Thomas Swenson 441 Stonehenge Drive Fine Reduction Request**
 - 3.2. Rosanna G. Mccurry 709 Marcia Circle Fine Reduction**
- 4. ADJOURN**

The City does not keep verbatim minutes as a matter of record. If a person decides to appeal any decision made by the special magistrate with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to 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. See Florida Statute 286.0105

******* PLEASE TURN OFF OR SILENCE ALL CELL PHONES *******

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**BEFORE THE CITY OF MARY ESTHER
 SPECIAL MAGISTRATE
 IN AND FOR CITY OF MARY ESTHER, FLORIDA**

ORDER FINDING VIOLATIONS AND REQUIRING COMPLIANCE

CITY OF MARY ESTHER, FLORIDA
 Petitioner

CASE NO: 2020042

V.

**CITY OF MARY ESTHER
 COUNTY OF OKALOOSA
 STATE OF FLORIDA**

THOMAS SWENSON
 Respondent

THIS MATTER, having been duly noticed, came before the Special Magistrate of the City of Mary Esther, Florida on July 6, 2021, on petitioner's request for said hearing for non-compliance of City codes and/or ordinances. Whereupon, having heard testimony under oath from witnesses, heard arguments from both parties (if present), reviewed all evidence as submitted into the official record, and otherwise being fully apprised of the premises, the Special Magistrate finds as follows:

1. Thomas Swenson ("Respondent") is the owner or is otherwise in control of the property located at 441 Stonehenge Drive, Mary Esther, FL 32569 (the "Property").
2. The Property tax identification parcel number is 16-2S-24-0291-0002-0120 and is legally described as BRYN MAWR PARK 1ST ADDITION LOT 12 BLOCK 2.
3. The Property was cited for violation of City code 5-1, 10-2, 10-22, 10-23, 10-26, 18.00.00, 18.04.00 AND Florida Statute 553.79(1). The violations cited are overgrown vegetation; litter, trash and debris; and unpermitted construction of two carports (the "Violations").
4. Proper notice of the cited Violations and the notice of hearing was served on the Respondent, and the Respondent was provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.
5. The Respondent failed to appear at the hearing.
6. The Respondent is found to have violated city codes and ordinances by failing to voluntarily correct the Violations within the time prescribed which was reasonable and sufficient.
7. The City has proved the alleged Violations of the cited Ordinances by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Special Magistrate which I find to be reasonable and appropriate under the circumstances.
8. If the Respondent fails to bring the Property into compliance with the Ordinances and Codes of the City of Mary Esther within the time prescribed, I find that a fine shall be imposed per day for each day of non-compliance and that the fine is reasonable and appropriate under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

Therefore, based upon the foregoing, **IT IS HEREBY ORDERED AND ADJUDGED**, that

1. On or before August 5th, 2021 (30 days), the Respondent shall pay to the City of Mary Esther the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$460.00.
2. On or before July 21st, 2021 (15 days), the Respondent shall cure the below-referenced Violations and bring the Property in full compliance with the Ordinances and Codes of the City of Mary Esther. The violations to be brought into compliance are as follows:
 - (A) All grass and weeds that exceed 8 inches and other overgrown vegetation shall be cut and maintained.
 - (B) All litter, trash, debris and household items that are stored or otherwise discarded outdoors shall be removed from the property. Items which are intended by the manufacturer to be stored outdoors may be kept so long as the storage of said items are in full compliance with the City code.
 - (C) All unpermitted carports shall be removed from the property.
3. If the Respondent fails to bring the Property into compliance with the Ordinances and Codes of the City of Mary Esther as ordered and within the time prescribed, the Respondent shall pay a fine in the amount of \$150.00 per day for each day any Violation identified continues after July 21st, 2021.
4. On or before August 5th, 2021 (30 days), the Respondent shall pay to the City of Mary Esther a fine in the amount \$150.00 for non-compliance with the initial violation notice.
5. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.
6. The fines imposed herein shall bear interest at 4.31% per annum until paid.



 J. Bruce Bowman
 Mary Esther Special Magistrate

DONE AND ORDERED, this 7th day of July 2021.



RIGHT TO APPEAL - You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD - A certified copy of this Order may be recorded in the official records of Okaloosa County and thereafter shall become a lien against any real and personal property owned by Respondent(s), until satisfied, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to Code of Ordinances, City of Mary Esther section 2-79 and Florida Statute 162.09. Name and address of lien holder: City of Mary Esther, 195 Christobal Road North, Mary Esther, FL 32569.



CITY OF MARY ESTHER

195 CHRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.3

FAX (850) 243-0736

EMAIL: CODE@CITYOFMARYESTHER.COM

CODE ENFORCEMENT FINE REDUCTION REQUEST

This application must be completed in full to be accepted and processed. Applications containing any missing or incomplete information will be returned. Please review each section carefully.

Section 1 Respondent Information

Respondent: Thomas Swenson Case Number: 2020042
 Mailing Address: 441 Stonehenge Dr. Mary Esther FL
 Phone # 850 974 8883 Email Address: tswen65@icloud.com
 Violation Address: 441 Stonehenge Dr.
 Parcel Number: 16-25-24-0291-0002-0120
 Are you represented by an attorney: No Yes Attorney Name: _____
 Phone Number: _____ Email: _____
 Address: _____

Section 2 Reason For Reduction Request

State the reason or grounds for your request and why the request should be granted. Attach any documents, photos with dates or other evidence to this application and list each item attached. List pictures as one exhibit. If repairs to the property have been made, include all receipts, permits, description of the repairs and other actual costs of repair.

Lack of funds due to hospitalization
hospitalization

Evidence Exhibit A: Property Appraiser Evidence Exhibit B: Picture
 Evidence Exhibit C: _____ Evidence Exhibit D: _____
 Evidence Exhibit E: _____ Evidence Exhibit F: _____
 Evidence Exhibit G: _____ Evidence Exhibit H: _____

Section 3 Real Property Owned

List all real property that you own in the State of Florida (Fixed property, principally land and buildings)

Address: 441 Stonehenge Dr. Parcel # 16-25-24-0291-0002-0120
Address: _____ Parcel # _____
Address: _____ Parcel # _____
Address: _____ Parcel # _____
Address: _____ Parcel # _____

Section 4 Monies Paid

List all fines, fees or other payments you have made to the City regarding this case.

Fines: \$ 0 Fees: \$ 0 Other: \$ 0

Section 5 Financial Hardship

Is this fine reduction request based on a financial hardship?

No

Yes Complete the financial affidavit.

Section 6 Property Value To Fine Amount

Does the total amount you owe to the City including but not limited to all fines, fees, abatement and other costs exceed the equity of the subject property?

No

Yes Include a current appraisal or the latest valuation by the Okaloosa County Property Appraiser.

Section 7 Eligibility Requirements

This application will not be considered unless the following eligibility requirements are met.

(1) A notice of compliance has been received for the subject property and there are no other outstanding violations. Further, all properties within the City that are owned or managed by the applicant have no outstanding violations.

(2) Other than the subject lien and fines, the property owner does not have any past due monies owed to the City.

(3) The subject property is not part of any pending foreclosure proceeding filed by the City of Mary Esther.

(4) All compliance costs incurred by the City, including administrative, inspection, hearing, and abatement costs must be paid in full.

(5) The fine reduction application fee of \$100.00 has been paid in full.

Section 8 Determination and Hearing

After your application has been processed and determined that all eligibility requirements have been met, it will be scheduled for the next available public hearing before the special magistrate. The special magistrate shall after a quasi-judicial public hearing enter an Order granting or denying the requested relief in whole or in part, or such relief as may be appropriate regarding the fine. The special magistrate shall consider all relevant factors to determine what relief, if any, is appropriate including, but not limited to:

- (1) The nature and gravity of the violation(s)
- (2) Any actions taken by the owner to cure the violation(s)
- (3) The length of time between the ordered compliance date and the date the violation(s) was cured
- (4) Any actual costs expended by the owner to cure the violation(s) as provided by supporting documentation, including payment of City licensing or permit fees
- (5) Any other prior or current violation(s) committed by the owner on the subject property or upon any other property owned by the owner within the City
- (6) Repeat violation(s) committed by the same owner regardless of whether it is on the same property;
- (7) Costs incurred by the City to abate the violation(s) and prosecute the case, including administrative and overhead expenditures.
- (8) Transfer of ownership after recordation of the City's lien shall not be considered as a factor in the fine reduction; nor shall a lapse of time before seeking enforcement be considered.

Section 9 Process

- (1) Any reduction granted shall be paid within thirty (30) days of the order, unless additional time is allowed by the special magistrate, which additional time may not exceed ninety (90) days. Failure to remit payment to the City by the date ordered shall cancel the lien reduction settlement and cause the original lien amount to remain.
- (2) No lien shall be released until payment in full is received by the City.
- (3) The applicant for fine reduction must present a clear and convincing case, which is determined by the special magistrate; otherwise it shall be denied.
- (4) If relief is denied based upon the merits of the claim, such denial shall be with prejudice and the matter will not be reheard.
- (5) The special magistrate does not have the authority to reduce or waive administrative costs, including but not limited to, inspection costs, postage fees, recording fees, advertising costs, or any costs of enforcement or abatement, incurred by the City.
- (6) A fine reduction is strictly discretionary by the special magistrate. By requesting a fine reduction, you agree and accept to waive your right, if any, to seek judicial review of any decision whether to reduce the fine and if so, by how much.
- (7) Fine Reduction Schedule: The fine reduction schedule shall be considered advisory; the special magistrate shall maintain full discretion for making such determinations.

<u>Total Fine</u>	<u>% of Total Fine to be Paid</u>
Less than \$20,000	10
\$20,001-\$40,000	15
More than \$40,000	20

Section 10 Settlement Amount and Signature

Requested settlement amount: \$ 0

Date you can make payment: 4-1-2024

I hereby certify that all the information I have entered herein is true and correct. I understand that I must personally appear before the City of Mary Esther Special Magistrate to make my request for the said reduction. I have read and understand the entirety of this application and certify that I have met all eligibility requirements to make said request. I understand that this application in no way guarantees me any reduction of fines owed to the City and that the order entered by the special magistrate shall be final.

THOMAS SWANSON Thomas Swanson 2/27/2024
Applicant (Print Name) Signature Date

Staff Use Below This Line

First violation notice issue date: April 10, 2020

Compliance date: October 31, 2023

Number of days provided for compliance: 30 DAYS

Number of days between first violation notice and Special Magistrate hearing: _____

Special Magistrate compliance date: July 21, 2021

Number of days provided by Special Magistrate for compliance: 30

Passed Inspection on: October 31, 2023

Days Non-Compliant After Order: _____

Total Days Non-Compliant: 831

Daily Fine Amount: \$ 150.00 per day Total Daily Fine: \$ _____

Citation(s) / Late Fee(s) \$ / Total Due \$ _____

Interest 4.31 % Interest amount \$ _____ Total Amount Due \$ 136,881.44

Completed by: Kelvin Cherry Signature: [Signature]



Okaloosa County Property Appraiser

Parcel Summary

Parcel ID 16-25-24-0291-0002-0120
 Location Address 441 STONEHENGE DR
 MARY ESTHER 32569
 Neighborhood 242209.00
 Brief Tax Description BRYN MAWR PARK 1ST ADD LOT 12 BLK 2
 (Note: *The Description above is not to be used on legal documents.)
 Property Use Code SINGLE FAMILY (0100)
 Sec/Twp/Rng 16-25-24
 Tax District Mary Esther (5)
 Millage Rate 14.3573
 Acreage 0
 Homestead Y

[View Map](#)

Acreage (GIS)
0.18

Owner Information

SWENSON THOMAS W
 441 STONEHENGE DR
 MARY ESTHER, FL 32569

Address Change Form

Address Change Form

Valuation

	2023 Certified Values	2022 Certified Values	2021 Certified Values	2020 Certified Values	2019 Certified Values
Building Value	\$171,068	\$153,216	\$122,343	\$111,320	\$105,471
Extra Features Value	\$12,025	\$11,470	\$11,470	\$11,470	\$11,655
Land Value	\$62,008	\$48,292	\$43,118	\$42,269	\$42,375
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	(\$62,008)	(\$48,292)	(\$43,118)	(\$42,269)	(\$42,375)
Just (Market) Value	\$245,101	\$212,978	\$176,931	\$165,059	\$159,501
Assessed Value	\$177,563	\$172,391	\$167,370	\$165,059	\$152,592
Exempt Value	\$55,000	\$50,500	\$50,500	\$50,500	\$0
Taxable Value	\$122,563	\$121,891	\$116,870	\$114,559	\$152,592
Maximum Save Our Homes Portability	\$67,538	\$40,587	\$9,561	\$0	\$6,909

2023 TRIM Notice

[Click Here to view the 2023 TRIM Notice \(PDF\)](#)

Land Information

Land Use	Number of Units	Unit Type	Frontage	Depth
000100 - SFR	1	LT	80	0

Building Information

Type SINGLE FAM
 Total Area 2216
 Heated Area 1488
 Exterior Walls CB STUCCO
 Roof Cover DIMEN/TIMB
 Interior Walls DRYWALL
 Frame Type N/A
 Floor Cover TERRAZZO; CLAY/CERMC
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 2
 Bedrooms 3
 Stories 1
 Actual Year Built 1963
 Effective Year Built 1978



Extra Features

Description	Number of Items	Length x Width x Height	Units	Unit Type
FIRPLC		0 x 0 x		
SWPOOL		0 x 0 x		

Building Area Types

Type	Description	Sq. Footage	Year
BAS	BASE AREA	1488	1963
FCP	F CARPORT	344	1963
FEP	F ENC PRCH	176	1963
FOP	F OPN PRCH	160	1963
UST	UNF STORAG	48	1963

Sales

Sale Date	Sale Price	Instrument	Instrument Number	Book / Page	Qualification	Sale Reason	Vacant / Improved	Grantor	Grantee
8/25/2017	\$177,000	WD		<u>3315/1830</u>	Qualified	QUAL/DEED EXAMINATION	Improved	KNEELAND RICHARD R SR & FAITH A	SWENSON THOMAS W -SINGLE
10/14/2003	\$100	PR		<u>2483/1814</u>	Unqualified	QUAL/PHY PROP CHGD AFTER SALE	Improved	KNEELAND CARLA	KNEELAND RICHARD R SR
10/14/2003	\$100	PR		<u>2483/1813</u>	Unqualified	QUAL/PHY PROP CHGD AFTER SALE	Improved	KNEELAND OLGA A (DECEASED)	KNEELAND RICHARD R SR
2/26/2003	\$100	QC		<u>2422/712</u>	Unqualified	QUAL/PHY PROP CHGD AFTER SALE	Improved	KNEELAND RICHARD R SR	KNEELAND OLGA A
1/1/1977	\$11,183	PV		<u>7</u>	Unqualified	N/A	Improved		
9/15/1976	\$23,800	WD		<u>867/462</u>	Unqualified	N/A	Improved	BEARD RAY A & ANNA J	KNEELAND RICHARD R SR & OLGA M

Permits

Permit Number	Type	Description	Issued	Amount
330625	0000180	MISC	8/26/2009	\$7,580
272944	0000240	RE-ROOF	1/26/2005	\$6,200

2023 Property Record Card

[Click Here to view the 2023 Property Record Card \(PDF\)](#)

Tax Collector

[Click here to view the Tax Collector website.](#)

Generate Owner List by Radius

Distance:

 Fee:

Use Address From:

 Owner Property

Select export file format:

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

 Show All Owners
 Show Parcel ID on Label

Skip Labels

No data available for the following modules: Sketches.

The Okaloosa County Property Appraiser's Office (OCPA) makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. Just (Market) Value is established by the Property Appraiser for ad valorem tax purposes. It does not represent anticipated selling price. Current year assessments are as of January 1st and are based on previous year sales activity. All website information is subject to change
[| User Privacy Policy](#) | [| GDPR Privacy Notice](#)
 Last Data Upload: 3/11/2024, 5:14:52 AM

Contact Us



(B)



EXHIBIT LIST

Case Number: 2020042

Respondent: Thomas Swenson

Violation Address: 441 Stonehenge Drive, Mary Esther, FL

Exhibit A Case Summary

Exhibit B Pictures

Exhibit C Notices

Exhibit D Affidavits of Service

Exhibit E Code Reference

Exhibit F Property Record

Exhibit G Permit Correction Notice

Exhibit H Permit Review & Notes

Exhibit I Video

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

CASE SUMMARY

EXHIBIT A

Case Number: 2020042	Violation Address: 441 Stonehenge Drive, Mary Esther, FL 32569
Respondent(s) Thomas Swenson	
Property Owner: Thomas Swenson	

Violations Cited

Description	Ordinance, Code or State Statute
Overgrown vegetation	10-22(a)&(b)(3); 10-23(a)(1)&(d)
Litter, trash, debris	10-2 (a); 10-22 (b)(2) & (7); 10-23 (e); 10-26 (e)
Construction without a permit	5-1; LDC 18.00.00; 18.04.00; FS 553.79 (1)

Inspections

Date	Officer	Findings
April 10, 2020	KC	An accumulation of household items, litter, trash and debris is stored and discarded on the property. A detached carport is under construction.
July 13, 2020	RH	Property is non-compliant. LTD and household items remain stored and discarded outdoors. Makeshift carport erected in driveway. Carport has no permit and is not anchored. Detached carport remains unpermitted. Vegetation is overgrown.
August 25, 2020	RH	Property is non-complaint. LTD remains. Vegetation is overgrown. Fence gate is broke and laying on the ground. Unpermitted half-built carport remains.
March 18, 2021	RH	Property is non-compliant. LTD remains stored on the property. Additional items brought onto the property. Carport in driveway has no cover. Unpermitted carport on side of house remains.
April 16, 2021	KC	Property is non-compliant. Observed a newly erected temporary carport. It would also appear that more items have been brought onto the property. I spoke with Mr. Swenson and he stated that he does not like the violations but he is a collector and can't fit anymore items in his house and does not know how to pull a permit, even after multiple times of coming to City Hall to be advised on how to pull a permit.
June 3, 2021	RH	Property is non-compliant. Aluminum carport partially constructed and anchored with dumbbells in driveway. Wood carport on side of house remains. LTD remains stored outside.
June 18, 2021	RH	Property is non-compliant. No change.
July 2, 2021	RH	Property is non-compliant. No change.

Notices/Activities

Date	Officer	Type	Comments
May 16, 2019	KC	Pre-Construction Meeting	Thomas Swenson met at City Hall with staff to discuss the correction notice issued to him for his carport permit submittal.

June 24, 2019	KC	Pre-Construction Meeting	Thomas Swenson met at City Hall with staff to discuss his correction notice. No items listed in the correction notice were submitted or revised. Mr. Swenson was expressively asked if he understood what was required of him and he affirmed that he understood.
April 10, 2020	KC	Citation	A1478. Construction of a carport without a permit. Posted to the front door.
April 10, 2020	KC	Notice of Violation	A1479. 10 days to remove all litter, trash, debris and household items from the exterior of the home.
April 16, 2020	KC	Correspondence	Thomas Swenson came to City Hall to obtain a permit application.
July 14, 2020	KC	Notice of Non-Compliance	Posted to the front door.
June 18, 2020	RH	Notice of Hearing	Posted to the front door.

Administration Fee Breakdown

Enforcement Hearing.....	\$100.00	X <u>1</u>	\$100.00
Case Preparation and Review	\$60.00	X <u>1</u>	\$60.00
Inspection by Code Enforcement Officer.....	\$30.00	X <u>7</u>	\$210.00
Certified Mail	\$6.80	X <u>0</u>	\$0.00
Personal Service	\$30.00	X <u>3</u>	\$90.00
TOTAL:			\$460.00

Recommended Order

- (1) Thomas Swenson is found to have violated City of Mary Esther codes and ordinances and failed to come into voluntary compliance with all notices and instruction issued by the City.
- (2) The property shall be brought into full compliance with City codes and ordinances within 15 calendar days from the date of this hearing. The violations to be brought into compliance are listed in section (3).
- (3) (a) All overgrown grass, weeds, bushes, shrubs, hedges and the like shall be cut and maintained.
(b) All unpermitted structures shall be removed from the property.
(c) All litter, trash and debris shall be removed from the property. All accumulations of household items and furnishings which have been stored or otherwise discarded outdoors shall be removed from the property or stored within an enclosed building.
- (4) Administration fee of \$460.00 to be paid within 30 calendar days.
- (5) Fine of \$150.00 to be paid within 30 calendar days.
- (6) Daily fine of \$150.00 per day for each day the violation remains non-complaint after 15 calendar days.
- (7) Interest in the amount of 4.31 percent per annum for all fines and fees that remain unpaid after 30 calendar days.

EXHIBIT B-1

April 4, 2020

Page 1 of 1

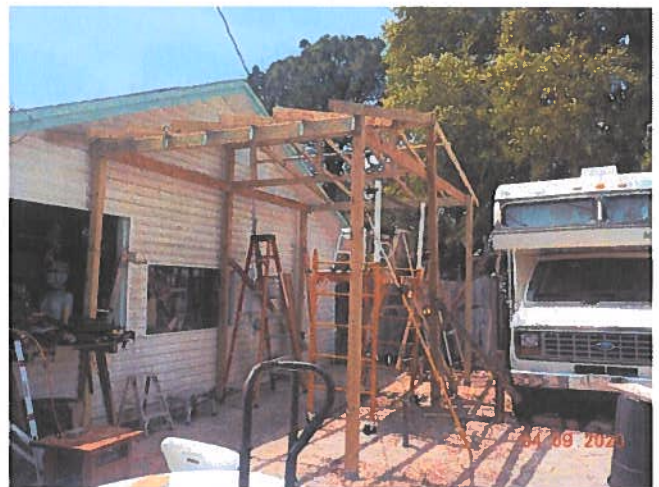


EXHIBIT B-2

July 13, 2020

Page 1 of 3

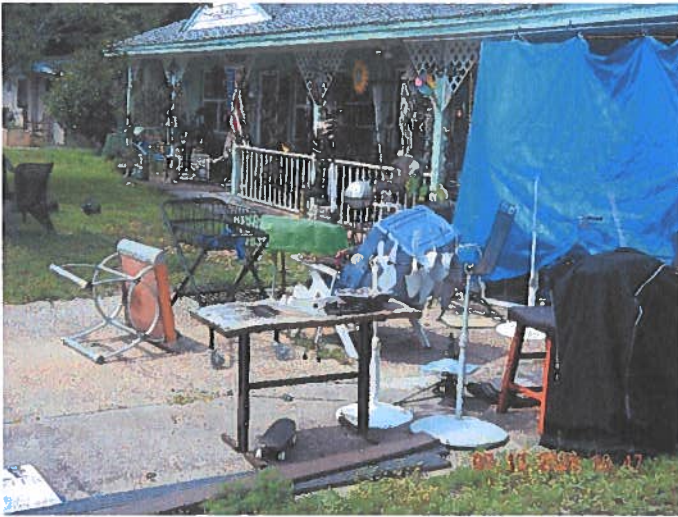


EXHIBIT B-3

July 13, 2020

Page 2 of 3

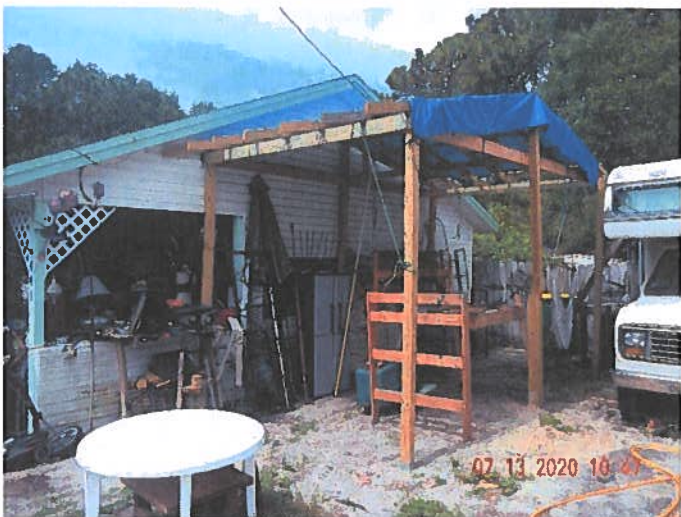


EXHIBIT B-4

July 13, 2020

Page 3 of 3

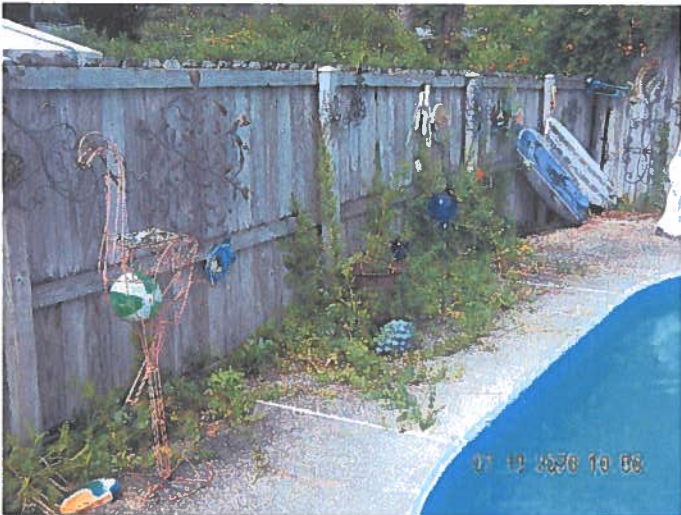


EXHIBIT B-5

August 25 2020

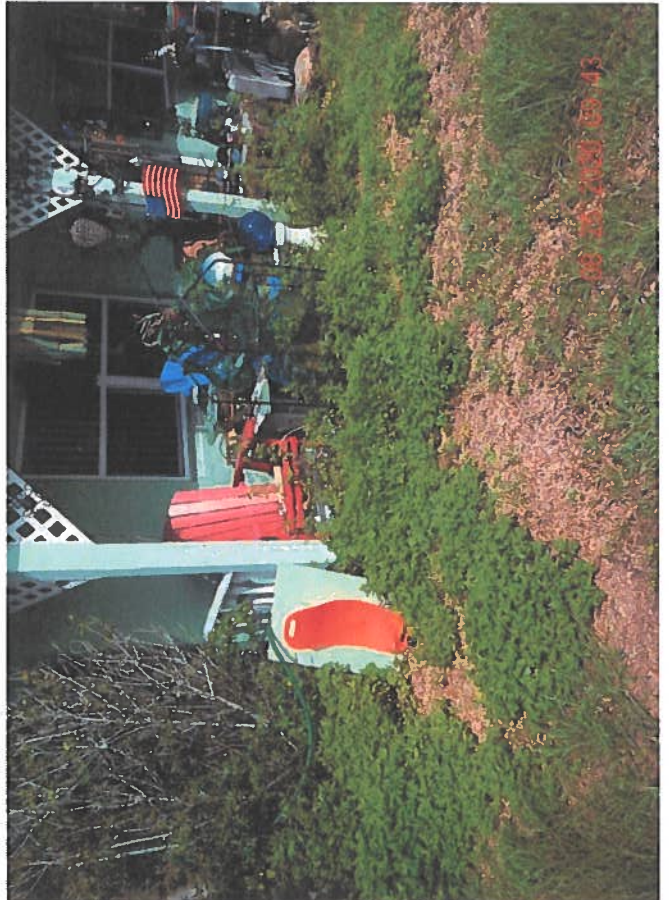


EXHIBIT B-6

August 25 2020

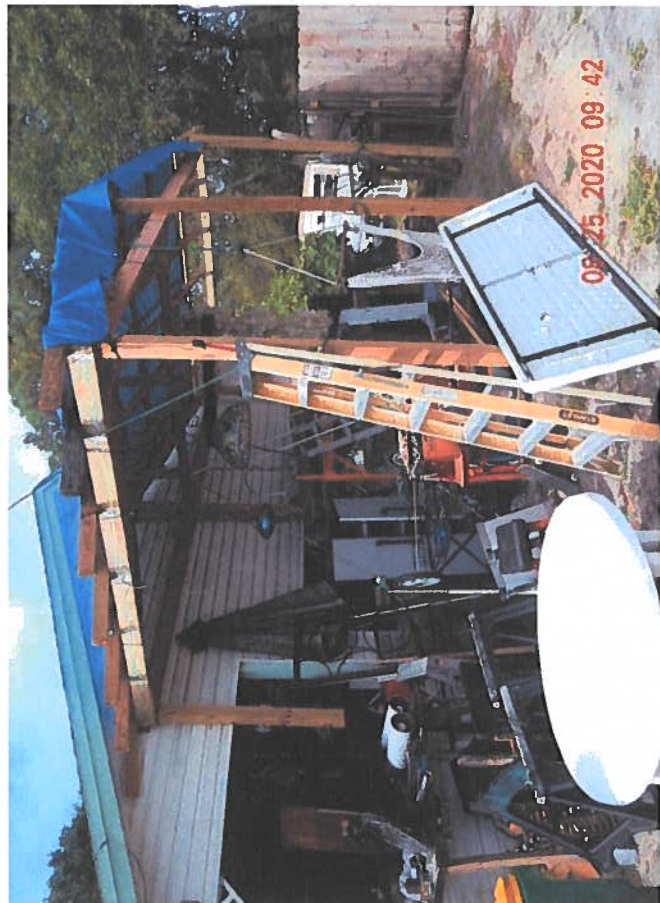


EXHIBIT B-7

March 18 2021 • 441 Stonehenge Drive • Page 1 of 2



EXHIBIT B-8

March 18 2021 • 441 Stonehenge Drive • Page 2 of 2

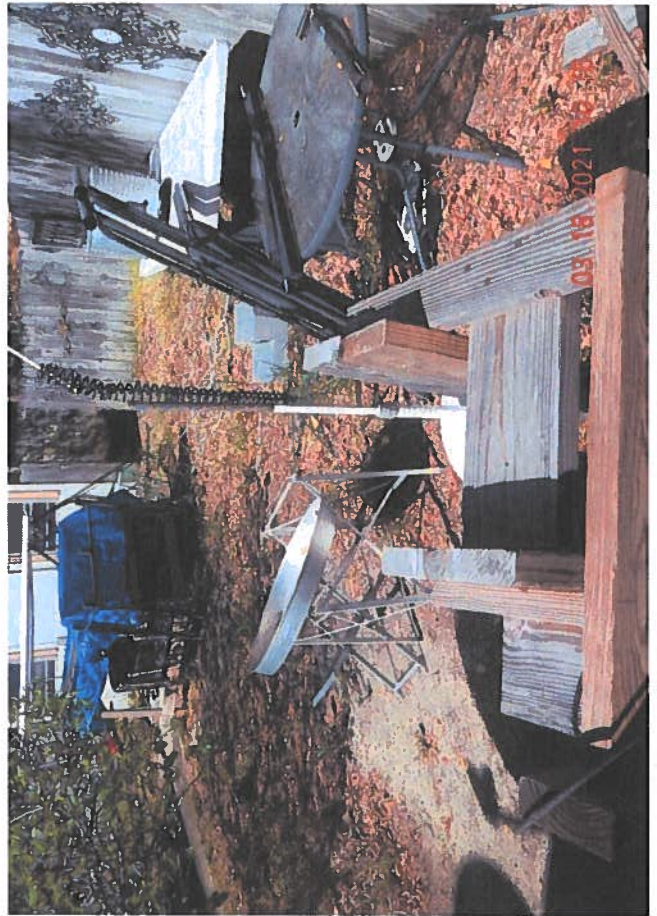
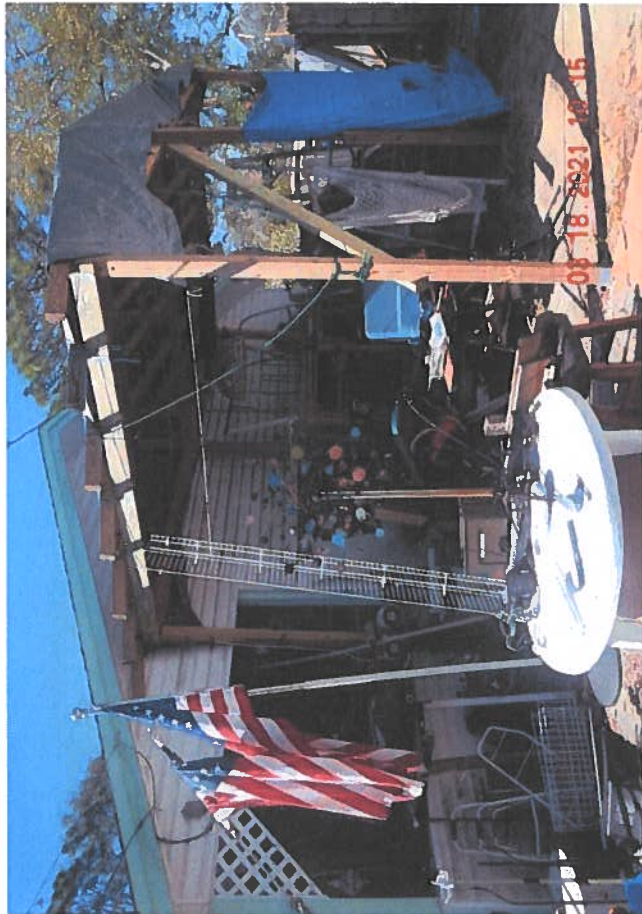


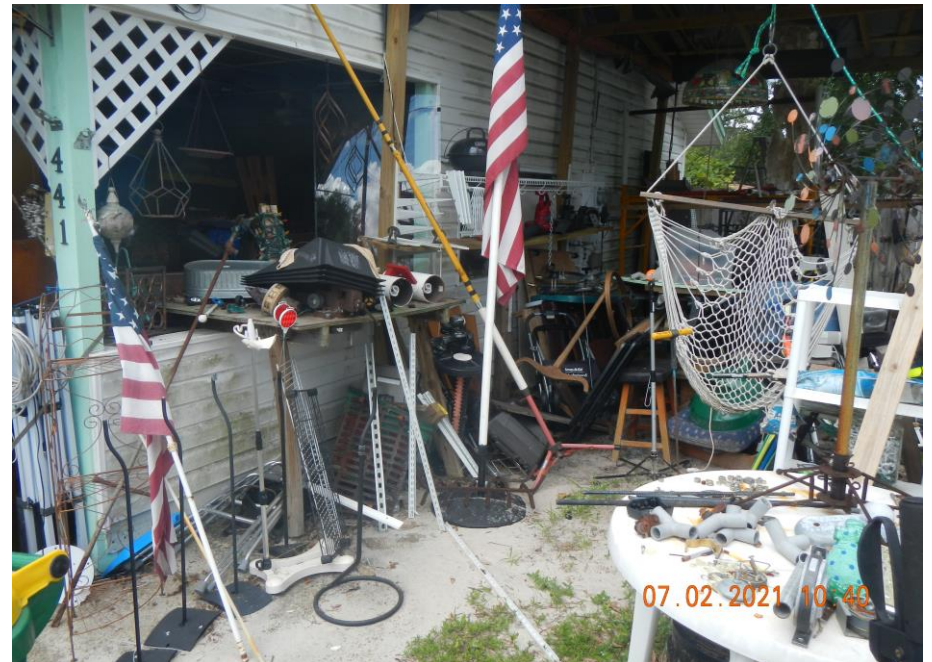
EXHIBIT B-9

April 16, 2021

Page 1 of 1



July 2, 2021



CITY OF MARY ESTHER
 COUNTY OF OKALOOSA
 STATE OF FLORIDA

EXHIBIT

MUNICIPAL COMPLAINT
 AND VIOLATION

C-1

A 1479

THE UNDERSIGNED CERTIFIES AND HAS REASON TO BELIEVE THAT:			
NAME (First, Middle, Last) THOMAS SWENSON			
ADDRESS 441 STONE HENGE DRIVE MARY ESTHER, FL 32569			
DRIVER'S LICENSE / ID NO.		STATE	DATE OF BIRTH / /
IN THE CITY OF MARY ESTHER, COMMITTED A VIOLATION OF CITY CODE/STATE STATUTE SECTION(S) 10-2 5-1; 18-00.00; 18-04.00-553.79(1); 10-22; 1023; 10-26			
DATE OF VIOLATION 4 / 10 / 2020	TIME 2:30	AM PM	LOCATION 441 STONE HENGE DR
VIOLATION DESCRIPTION ① CONSTRUCTION WITHIN THE CITY LIMITS W/O A CITY ISSUED PERMIT ② LITTER, TRASH, DEBRIS - HOUSEHOLD ITEMS STORED OUTSIDE UNDER CARPORT & IN YARD. CONSTRUCTION MATERIALS.			
VEHICLE (Year, Make, Model, Color)		VIN NO.	
LICENSE PLATE	STATE	REGISTRATION EXP. / /	FINE \$ 0
OFFICER COMMENTS / REQUIREMENTS FOR COMPLIANCE ① STOP ALL CONSTRUCTION UNTIL A CITY ISSUED PERMIT IS OBTAINED ② REMOVE ALL HOUSEHOLD ITEMS & LITTER, TRASH, DEBRIS FROM BEING STORED OUTSIDE & UNDER CARPORT & STORE PROPERLY. 10 DAYS FOR COMPLIANCE			
WITHOUT ADMITTING GUILT, I PROMISE TO ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED HEREIN. SIGNATURE OF DEFENDANT: POSTED TO FRONT DOOR			
ISSUING OFFICER KELVIN CHERRY	ID NO. 1058	AGENCY MECE	DATE 4/10/2020
OFFENSE NO. 2020042			
You have been charged with a civil infraction which requires that you comply with the following: (1) Within 30 calendar days, make payment to the Okaloosa County Clerk of Court located at 1940 Lewis Turner Boulevard, Fort Walton Beach, FL 32547 (850) 651-7200 or elect to contest this citation. X(2) Written notice of violation. No fine. Comply with requirements for compliance. You may elect to contest this citation by contacting the Okaloosa County Clerk of Court located at 1940 Lewis Turner Boulevard, Fort Walton Beach, FL 32547 (850) 651-7200. Failure to remit payment or contest this citation within the time prescribed herein shall cause you to have waived your rights to a hearing and a judgment may be entered against you not to exceed \$500.00 or the maximum amount as allowed by law. Additional fees may be accessed against you for the cost of prosecution. City of Mary Esther Code Enforcement (850) 243-3566 Ext.16 REFUSAL TO SIGN A CITATION IS A MISDEMEANOR OF THE SECOND DEGREE. FLORIDA STATUTE 162.21(6) CITY CODE 2-76.04.			

EXHIBIT

CITY OF MARY ESTHER
COUNTY OF OKALOOSA
STATE OF FLORIDA

MUNICIPAL COMPLAINT
AND VIOLATION

C-2

A 1478

THE UNDERSIGNED CERTIFIES AND HAS REASON TO BELIEVE THAT:			
NAME (First, Middle, Last) THOMAS SWENSON			
ADDRESS 441 STONE HENGE DRIVE MARY ESTHER, FL 32569			
DRIVER'S LICENSE / ID NO. 5525839512490	STATE FL	DATE OF BIRTH 7 / 9 / 1951	
IN THE CITY OF MARY ESTHER, COMMITTED A VIOLATION OF CITY CODE/STATE STATUTE SECTION(S) 18.00.00; 18.04.00; 553.79(1); 5-1			
DATE OF VIOLATION 4 / 10 / 2020	TIME 2:30	AM PM	LOCATION 441 STONEHENGE DR
VIOLATION DESCRIPTION ① CONSTRUCTION WITHIN THE CITY LIMITS WITHOUT A CITY ISSUED PERMIT.			
VEHICLE (Year, Make, Model, Color)		VIN NO	
LICENSE PLATE	STATE	REGISTRATION EXP. / /	FINE \$ 250.00
OFFICER COMMENTS / REQUIREMENTS FOR COMPLIANCE ① OBTAIN ALL NECESSARY PERMITS BEFORE ANY FURTHER CONSTRUCTION.			
WITHOUT ADMITTING GUILT, I PROMISE TO ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED HEREIN. SIGNATURE OF DEFENDANT: POSTED TO FRONT DOOR			
ISSUING OFFICER KELVIN CHERY	ID NO. 1058	AGENCY MECE	DATE 4 / 10 / 2020
OFFENSE NO. 2020042			
You have been charged with a civil infraction which requires that you comply with the following: <input checked="" type="checkbox"/> (1) Within 30 calendar days, make payment to the Okaloosa County Clerk of Court located at 1940 Lewis Turner Boulevard, Fort Walton Beach, FL 32547 (850) 651-7200 or elect to contest this citation. <input type="checkbox"/> (2) Written notice of violation. No fine. Comply with requirements for compliance. You may elect to contest this citation by contacting the Okaloosa County Clerk of Court located at 1940 Lewis Turner Boulevard, Fort Walton Beach, FL 32547 (850) 651-7200. Failure to remit payment or contest this citation within the time prescribed herein shall cause you to have waived your rights to a hearing and a judgment may be entered against you not to exceed \$500.00 or the maximum amount as allowed by law. Additional fees may be accessed against you for the cost of prosecution. City of Mary Esther Code Enforcement (850) 243-3566 Ext. 16 REFUSAL TO SIGN A CITATION IS A MISDEMEANOR OF THE SECOND DEGREE. FLORIDA STATUTE 162.21(6) CITY CODE 2-76.04.			

EXHIBIT

2020042

C-3

NOTICE STOP WORK ORDER

IT IS HEREBY ORDERED BY THE CITY OF MARY ESTHER THAT ALL CONSTRUCTION AND/OR BUSINESS ACTIVITIES AS IT RELATES TO THE VIOLATION(S) CITED BELOW CEASE AND DESIST IMMEDIATELY. FAILURE TO COMPLY WITH THIS STOP WORK ORDER WILL RESULT IN A FINE IN THE AMOUNT OF \$500.00 PER DAY PER VIOLATION. ADDITIONAL ENFORCEMENT PROCEEDINGS, FINES, FEES AND ABATEMENT ACTIONS MAY BE IMPOSED FOR NON-COMPLIANCE.

VIOLATION ADDRESS: 441 STONE HENGE DRIVE

RESPONDENT(S): THOMAS SWENSON

IN VIOLATION OF

- | | |
|--|--|
| <input checked="" type="checkbox"/> Permits not obtained | <input type="checkbox"/> Public health, safety and welfare standards |
| <input type="checkbox"/> Business Tax Receipt | <input type="checkbox"/> Contractor Tracking Certificate |
| <input type="checkbox"/> Stormwater controls | <input type="checkbox"/> Construction does not meet code |
| <input type="checkbox"/> Fire Department inspection | <input type="checkbox"/> Construction modified without approval |
| <input type="checkbox"/> Other: _____ | |

CITY CODE/ STATE STATUTE: 5-1; 18.00.00; 18.04.00; 553.79(1)

COMMENTS:

IMMEDIATELY STOP ALL CONSTRUCTION/WORK UNTIL A CITY ISSUED PERMIT IS OBTAINED.


City Official

4/10/2020 2:30 P.M.
Date / Time

DO NOT REMOVE

EXHIBIT C-4



CITY OF MARY ESTHER

195 CRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.3

FAX (850) 243-0736

EMAIL:
CODE@CITYOFMARYESTHER.COM

CODE ENFORCEMENT DEPARTMENT

NOTICE OF NON-COMPLIANCE

Issue Date: July 14, 2020

Case Number: 2020042

Respondent: Thomas Swenson

Violation Address:

441 Stonehenge Dr

Mary Esther, FL 32569

Violations Cited:

- (1) Litter, trash, and debris CO 10-2 (a); 10-22 (b)(2) & (7); 10-23 (e); 10-26 (e) Household items, tools, wood, furniture, bikes, tarps, construction materials stored under carport and in the front yard
- (2) Construction without a permit CO 5-1; 18.00.00; 18.04.00; 553.79. (1) Construction of a carport on the North side of the home. Temporary canopy erected in the driveway of the home.
- (3) Grass and weeds exceeding 8 inches in height CO 10-23 (a)(1)

Previous notices:

Notice of Violation – April 10, 2020

Requirements for compliance

- (1) Remove all litter, trash, and debris from being stored outside and under carport and properly discard the items. Household items, tools, and all other items that are to be kept shall be properly stored within a building
- (2) Obtain all necessary permits for the unpermitted structure located on the North side of the home or remove the structure and store all construction material inside a building. Temporary canopy erected in the driveway shall be removed.
- (3) Cut/mow all grass and weeds

Legal Disclaimer

Florida Statute 162 requires that the respondent be notified of the following: Failure to comply with the instructions specified in this notice may result in a fine of up to \$250.00 per day/per offense for a first offense, \$500.00 per day/per offense for a repeat offense, or the maximum amount as allowed by law. Additional enforcement proceedings may be taken against you for failure to comply to include a summons for an enforcement hearing, administrative and hearing costs, abatement actions and a lien placed on any personal and real property which you own.

A handwritten signature in blue ink, appearing to read "Kelvin Cherry", is enclosed in a blue oval.

Kelvin Cherry
Code Compliance Specialist

2020042

EXHIBIT C-5

NOTICE STOP WORK ORDER

IT IS HEREBY ORDERED BY THE CITY OF MARY ESTHER THAT ALL CONSTRUCTION AND/OR BUSINESS ACTIVITIES AS IT RELATES TO THE VIOLATION(S) CITED BELOW CEASE AND DESIST IMMEDIATELY. FAILURE TO COMPLY WITH THIS STOP WORK ORDER WILL RESULT IN A FINE IN THE AMOUNT OF \$500.00 PER DAY PER VIOLATION. ADDITIONAL ENFORCEMENT PROCEEDINGS, FINES, FEES AND ABATEMENT ACTIONS MAY BE IMPOSED FOR NON-COMPLIANCE.

VIOLATION ADDRESS: 411 STONE HENGE DRIVE

RESPONDENT(S): THOMAS SWENSON

IN VIOLATION OF

- Permits not obtained
 - Business Tax Receipt
 - Stormwater controls
 - Fire Department inspection
 - Other.
- Public health, safety and welfare standards
 - Contractor Tracking Certificate
 - Construction does not meet code
 - Construction modified without approval

CITY CODE/STATE STATUTE 5-1, 18.00.00, 18.04.00, 553.79(4)

COMMENTS:
IMMEDIATELY STOP ALL CONSTRUCTION/WORK UNTIL A CITY ISSUED PERMIT IS OBTAINED

[Signature]
City Official
Date / Time 4/10/2020 2:30 P.M.

DO NOT REMOVE

MUNICIPAL COMPLAINT AND VIOLATION A 1578

REASON TO BELIEVE THAT:

DATE: / /

DATE OF BIRTH: / /

SECTION OF CITY CODE/STATE STATUTE:

LOCATION:

PERMIT NO.:

REGISTRATION EXP. DATE: / /

FINES: \$

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REASON TO BELIEVE THAT:

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DATE OF BIRTH: / /



CITY OF MARY ESTHER

195 CHRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.3
FAX (850) 243-0736
EMAIL: CODE@CITYOFMARYESTHER.COM

CODE ENFORCEMENT DEPARTMENT

EXHIBIT

NOTICE OF NON-COMPLIANCE

C-6

Issue Date: July 14, 2020

Case Number: 2020042

Respondent: Thomas Swenson

Violation Address:
441 Stonehenge Dr
Mary Esther, FL 32569

Violations Cited:

- (1) Litter, trash, and debris CO 10-2 (a), 10-22 (b)(2) & (7); 10-23 (e); 10-26 (e) Household items, tools, wood, furniture, bikes, tarps, construction materials stored under carport and in the front yard
- (2) Construction without a permit CO 5-1, 18.00.00, 18.04.00, 553.79 (1) Construction of a carport on the North side of the home. Temporary canopy erected in the driveway of the home.
- (3) Grass and weeds exceeding 8 inches in height CO 10-23 (a)(1)

Previous notices:

Notice of Violation – April 10, 2020

Requirements for compliance

- (1) Remove all litter, trash, and debris from being stored outside and under carport and properly discard the items. Household items, tools, and all other items that are to be kept shall be properly stored within a building
- (2) Obtain all necessary permits for the unpermitted structure located on the North side of the home or remove the structure and store all construction material inside a building. Temporary canopy erected in the driveway shall be removed.
- (3) Cut/mow all grass and weeds

Legal Disclaimer

Florida Statute 162 requires that the respondent be notified of the following: Failure to comply with the instructions specified in this notice may result in a fine of up to \$250.00 per day/per offense for a first offense, \$500.00 per day/per offense for a repeat offense, or the maximum amount as allowed by law. Additional enforcement proceedings may be taken against you for failure to comply to include a summons for an enforcement hearing, administrative and hearing costs, abatement actions and a lien placed on any personal and real property which you own.

Kelvin Cherry
Code Compliance Specialist

07.14.2020

EXHIBIT C-7

Thomas Swenson
441 Stonehenge Drive
Mary Esther, FL 32569

Case No. 2020042

NOTICE OF FORMAL HEARING **VIOLATION OF CITY OF MARY ESTHER CODE AND ORDINANCES**

Address: 441 Stonehenge Drive, Mary Esther, FL 32569
Tax Identification of Property: 16-2S-24-0291-0002-0120

You are hereby formally notified that on the 6th of July 2021 at 9:00 A.M., there will be a public hearing before the City of Mary Esther Special Magistrate at the Chambers of the City Council of Mary Esther, Florida, 195 Christobal Road N, Mary Esther, Florida 32569. This concerns violation(s) of the Codes and Ordinances of the City of Mary Esther which you have been cited for being in violation of and have failed to come into voluntary compliance or which a repeat violation has been cited. FAILURE TO APPEAR MAY RESULT IN THE SPECIAL MAGISTRATE PROCEEDING IN YOUR ABSENCE.

You have the right to obtain an attorney, AT YOUR EXPENSE, to represent you before the Special Magistrate. You will have the opportunity to present your defense, present witnesses as well as question the witnesses against you prior to the Special Magistrate making a determination. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

Prior to the above-referenced hearing, you are entitled to receive and review the City's investigative file. If you would like to receive and/or review this information prior to the hearing, you must send a request for this information to the City Clerk and the information will be made available to you. The City Clerk may be contacted by phone at 850-243-3566 Ext.11, by email at cclk@cityofmaryesther.com or in person at 195 N. Christobal Road, Mary Esther, FL 32569. If there is any information or evidence you would like the Special Magistrate to review prior to the hearing, it is your responsibility to provide any such information to the Special Magistrate and to the City, within a reasonable time prior to the hearing. It is your responsibility to enter any evidence into the official record at the public hearing.

At the conclusion of the hearing, the Special Magistrate will issue a findings of fact, conclusions of law and order based on the evidence of record. If you are found in violation, the Special Magistrate may order you to pay a fine not to exceed \$250 per day for a first violation and not to exceed \$500 per day for a repeat violation. Additional fines may be imposed for each day the violation continues past the date set for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the Code Enforcement Officer.

If, after due notice and hearing, the Special Magistrate finds a violation to be irreparable or irreversible in nature, the Special Magistrate may order the violator to pay a fine not to exceed \$5,000 per violation. In addition, should you be found in violation of the City Code and

Ordinances, the Special Magistrate has the power by law to levy fines that may include all costs of repairs performed by the City of Mary Esther as set forth above.

In determining the amount of the fine, if any, the Special Magistrate shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

If the City prevails in prosecuting this case before the Special Magistrate, the City shall be entitled to recover all costs incurred in prosecuting the case before the Special Magistrate and such costs may be included in the lien authorized under § 162.09(3), *Florida Statutes*.

A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records of Okaloosa County and shall constitute a lien against the land on which the violation(s) exists and upon any other real or personal property owned by the violator.

If any person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Appeals shall be made to the Okaloosa County Circuit Court. If you desire to have the hearing recorded by an official court reporter, you shall be responsible for arranging for an official court reporter to appear at the hearing, AT YOUR EXPENSE.

If you have any questions regarding this notice or wish to submit evidence for the hearing, please contact (850) 243-3566 Ext.3 or email code@cityofmaryesther.com. Special Magistrate Bruce Bowman will be presiding over the hearing.

AFFIDAVIT OF SERVICE

CASE NUMBER: 20200042

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Thomas Swenson
441 Stonehenge Dr
Mary Esther, FL 32569

Kelvin Cherry PERSONALLY AFFIRMS AND CERTIFIES:

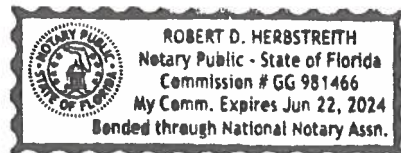
- 1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
- 2. THAT ON THE 10 DAY OF April, 2020, I PERSONALLY SERVED A COPY OF THE ATTACHED Notice of Violation BY HAND DELIVERY TO _____ AT _____ BY POSTING AT 441 Stonehenge Dr, Mary Esther, FL 32569 & City Hall BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER _____ TO _____

[Signature]
AFFIANT'S SIGNATURE

April 20, 2021
DATE

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE EXECUTED THE FOREGOING AFFIDAVIT, AND IT IS TRUE AND CORRECT. SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF April, 2021.

Robert D. Herbst
NOTARY PUBLIC



EXHIBIT

D-2

AFFIDAVIT OF SERVICE

CASE NUMBER: 20200042

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Thomas Swenson
441 Stonehenge Dr
Mary Esther, FL 32569

Kelvin Cherry PERSONALLY AFFIRMS AND CERTIFIES:

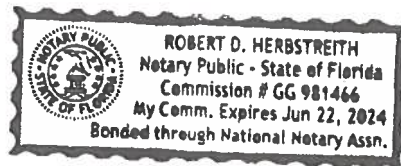
- 1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
- 2. THAT ON THE 10 DAY OF April, 2020, I PERSONALLY SERVED A COPY OF THE ATTACHED Citation A1478 BY HAND DELIVERY TO _____ AT _____ BY POSTING AT 441 Stonehenge Dr, Mary Esther, FL 32569 & City Hall BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER _____ TO _____


AFFIANT'S SIGNATURE

April 20, 2021
DATE

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE EXECUTED THE FOREGOING AFFIDAVIT, AND IT IS TRUE AND CORRECT. SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF April, 2021.

Robert D Herbstreith
NOTARY PUBLIC



AFFIDAVIT OF SERVICE

CASE NUMBER: 20200042

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Thomas Swenson
441 Stonehenge Dr
Mary Esther, FL 32569

Kelvin Cherry PERSONALLY AFFIRMS AND CERTIFIES:

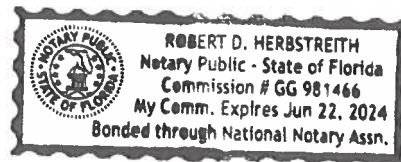
- 1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
- 2. THAT ON THE 10 DAY OF April, 2020, I PERSONALLY SERVED A COPY OF THE ATTACHED Stop Work Order BY HAND DELIVERY TO _____ AT _____
 BY POSTING AT 441 Stonehenge Dr, Mary Esther, FL 32569 & City Hall
 BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER _____ TO _____

[Signature]
AFFIANT'S SIGNATURE

April 20, 2021
DATE

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE EXECUTED THE FOREGOING AFFIDAVIT, AND IT IS TRUE AND CORRECT. SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF April, 2021.

Robert D Herbstreith
NOTARY PUBLIC



AFFIDAVIT OF SERVICE

EXHIBIT

D-4

CASE NUMBER: 20200042

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Thomas Swenson
441 Stonehenge Dr
Mary Esther, FL 32569

Kelvin Cherry PERSONALLY AFFIRMS AND CERTIFIES:

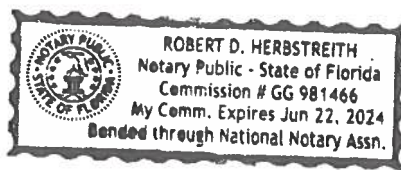
1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
2. THAT ON THE 14 DAY OF July, 2020, I PERSONALLY SERVED A COPY OF THE ATTACHED Notice of Non-Compliance BY HAND DELIVERY TO _____ AT _____ BY POSTING AT 441 Stonehenge Dr, Mary Esther, FL 32569 & City Hall BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER _____ TO _____

[Signature]
AFFIANT'S SIGNATURE

April 20, 2021
DATE

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED WHO BEING DULY SWORN DEPOSES AND SAYS THAT HE EXECUTED THE FOREGOING AFFIDAVIT, AND IT IS TRUE AND CORRECT. SWORN TO AND SUBSCRIBED BEFORE ME THIS 20 DAY OF April, 2021.

Robert D Herbstreith
NOTARY PUBLIC



AFFIDAVIT OF SERVICE

CASE NUMBER: 2020042

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Thomas Swenson
441 Stonehenge Dr
Mary Esther, FL 32569

Robert Herbstreith PERSONALLY AFFIRMS AND CERTIFIES:

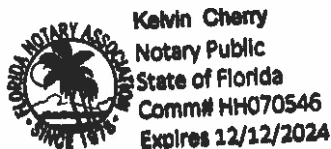
1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
2. THAT ON THE 18 DAY OF June, 2021, I PERSONALLY SERVED A COPY OF THE ATTACHED Notice of Hearing BY HAND DELIVERY TO _____ AT _____ BY POSTING AT 441 Stonehenge Drive & City Hall BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER _____ TO _____

Robert Herbstreith
AFFIANT'S SIGNATURE

7-2-2021
DATE

Sworn to and subscribed before me this 2 day of July, 2021, by Robert Herbstreith who is personally known to me.

[Signature]
NOTARY PUBLIC



Litter, Trash, Debris & Vegetation

Sec. 10-1. - Definitions.

As used in this chapter, unless the context indicates otherwise:

Dump means to dump, throw, discard, place, deposit, or dispose of.

Garbage means every refuse accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking, dealing in or storage of meats, fish, fowl, fruit or vegetables and any other matter of any kind that is subject to decay and the generation of noxious or offensive gases or odors or that, during or after decay, may serve as a breeding or feeding material for flies or other germ carrying insects, and any bottles, cans or other containers utilized in normal household use, which due to their facility to retain water, may serve as breeding places for mosquitoes or other water breeding insects.

Garden or lawn trash means all accumulations of grass, leaves, shrubbery, vines and trimmings.

Litter means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Refuse means garbage and trash, as herein defined, and all rubbish, paper, glass, metal and discarded matter which the last owner intends to abandon for disposal.

Trash means refuse, accumulations of paper, wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places.

Household furnishings means furniture, white goods (such as appliances), packaging materials, crating, bedding, carpeting or the like. Additionally, any material that cannot be contained in the refuse container provided by the contractual garbage collector and large amounts of unbundled yard trash shall be considered household furnishings.

(Ord. No. 88-2, § 1, 11-2-87; Ord. No. 99-01, § I, 3-1-99; Ord. No. 2015-05, § I, 6-1-15)

Sec. 10-2. - Littering or dumping prohibited.

It shall be unlawful for any person to dump, place, or otherwise deposit at any place within the city any trash, garbage, paper or waste matter of any kind or character, except within suitable receptacles or containers outlined herein.

Sec. 10-21. - Definitions.

For the purpose of this article, "code compliance officer" shall mean any authorized agent or employee of the city whose duty it is to enforce codes and ordinances enacted by the city, and whom has received

appropriate training as determined by the city. This shall include, but not be limited to, code inspectors, including law enforcement officers, and municipal fire safety inspectors as defined in Chapter 633, Florida Statutes. Designation of a code compliance officer and appropriate training for such officer shall be determined by the city council.

Cover means any device, equipment, container, close-fitting tarpaulin, chain, rope, wire or line used on vehicles to prevent any part of a vehicle load to shift, blow, leak, fall or escape in any manner from the vehicle.

Developed shall mean any lot, tract, or parcel which currently has a structure or structures upon said property or an approved parking lot which meets the requirements of this Code.

Dump means to dump, throw, discard, place, deposit, or dispose of.

Enforcement agency means the law enforcement agency, the city manager or his designee.

Litter means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Nuisance shall mean an unlawful act, or omission of the performance of a duty, or the suffering or permitting any condition or thing to be or to exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (5) In any way renders other persons insecure in life or the use of property;
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
- (7) Is declared by ordinance to be a nuisance.

Hazardous trees shall mean any tree, which is diseased, or dying and which if it falls could fall on adjacent property or right-of-way.

Pristine shall mean a lot, tract, or parcel or a portion of a lot, tract, or parcel, which consists primarily of native plant species that has not been cleared.

Preserve areas shall mean vegetative areas required to be preserved by law.

Public right-of-way shall mean the paved and unpaved area of a highway, roadway, street, or alley, other strip of land, reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Property owner shall mean the owner of any lot, tract, or parcel as listed in the Okaloosa County Tax Record.

Salvaging means the controlled removal of valuable or useful material from solid waste for utilization.

Storage means the interim containment of litter in an approved manner, such as by use of roll-off containers, wire fencing, wood fencing or other controlled measures, after generation and prior to proper and final disposal.

Trash/debris/litter shall mean items which are not usable in their present condition as intended by the manufacturer by reason of being broken, discarded, not maintained or abandoned. Items include, but are not limited to: mechanical equipment, automobiles, boats, trailers, trucks, or any parts thereof, household furnishings, toys, garbage, bottles, cans, rags, dead or decayed animal matter, fruit vegetables, offal, bricks, concrete, scrap lumber, or other building debris or any other refuse of any nature.

Unauthorized accumulation means the accumulation of litter on residential or commercial properties in violation of any of the provisions of this article. This shall not include building materials used in constructing or repairing a building or stored for imminent construction or repairs.

Undeveloped shall mean any lot, tract, or parcel which does not currently have any structure or a parking lot placed upon said property which is not a city parking lot, an approved public parking lot or an approved parking lot required to serve a specific building/use. Properties having remnants of past development, (e.g., improved parking areas, driveways, and floor slab) but which have been substantially cleared shall be considered to be undeveloped property.

Unwholesome shall mean offensive to the senses, unsound in quality or condition, diseased, or decayed.

Weeds shall mean plants that by reason of abandonment, lack of care or maintenance choke out growth or other material in the area. Dead, dying or unattended plant life, named or unnamed, which is abandoned or overgrown to a height in excess of eight (8) inches in height, shall, for the purposes of this Code, be defined as a weed unless it is pristine.

(Ord. No. 88-1, § 1, 11-2-87; Ord. No. 2001-03, § 1, 5-7-01; Ord. No. 2015-05, § 1, 6-1-15)

Sec. 10-22. - Prohibited conditions; declaration of nuisance.

(a) No person shall cause, permit, allow or suffer any of the conditions described in subsection (b) below to occur or exist upon any lot, tract or parcel of land, improved or unimproved, or in any building thereon, in the city to an extent and in a manner that such lot, tract or parcel of land or building is or may reasonably become infested with or inhabited by rodents, vermin, reptiles or wild animals, or may furnish a breeding place for mosquitoes, vermin or reptiles, and/or may threaten or endanger the public health, safety or welfare or to become unsightly to the extent as to be obviously below the general condition of properties in the immediate area and/or that such condition is obviously below the general condition of the surrounding area and which could negatively affect the general welfare of the area. Such conditions are hereby declared to be public nuisances and may be abated as such. Whoever generates litter in the city shall manage, store, handle, transport and dispose of it in accordance with this article.

(b) The prohibited conditions are as follows, but are not limited to:

(1) Failure to maintain property in accordance with the standards set forth in [section 10-23](#), Duty of property owner;

(2) Any accumulation of litter, garbage, bottles, paper, cans, rags, rubbish, trash, debris, dead or decayed animal matter, fruit, vegetables, offal, bricks, concrete, scrap lumber, or other building debris, dead trees or other unsightly unsanitary matter that remains on such property or in such building;

(7) Any worn-out, scrapped, partially dismantled, non-operative, unusable or discarded materials or objects, such as motor vehicles or parts thereof, building materials, machinery, boats or parts thereof, trailers, or other such items, to include household furniture;

Sec. 10-23. - Duty of property owner.

(a) It shall be the duty of the owner(s) within the city to maintain their lot, tract or parcel and the abutting right-of-way (but not including that area which is paved as roadway) consistent with the following standards:

(1) The owner, lessees or other persons in control of property, developed or undeveloped, within the city shall cut down and remove all weeds, grass, and undergrowth on said property when said weeds, grass or undergrowth exceeds eight (8) inches in height for developed properties and eighteen (18) inches for undeveloped properties.

(e) The property and right-of-way shall be kept free of trash, debris, and litter.

Sec. 10-26. - Storage of litter.

(d) Every person in possession, in charge of or in control of any place, public or private, where litter is accumulated or generated, shall have available, and at all times shall keep such litter in, adequate and suitable receptacles and/or covered containers capable of holding such materials until proper final disposal is accomplished.

(e) No person shall keep any unauthorized accumulation of litter on any property, vacant or occupied, any premises, a public street, alley or other public place or a private place.

(Ord. No. 88-1, § 5, 11-2-87; Ord. No. 2001-03, § 6, 5-7-01)

Construction Permits

Sec. 5-1. - Construction permits required.

Permit fees shall be charged by the city for all construction, additions, alterations, repairs, remodeling; for electrical, gas, mechanical and plumbing installation; for structures other than buildings including, but not limited to, fencing, swimming pools, signs, parking areas, roofing or re-roofing; television, radio tower and satellite dish installation; docks, boathouses, gazebos and the like; for moving or demolition of buildings or structures; specifying inspection and reinspection fees; and penalties for starting work within a permit, which shall be collected by the building inspection department for all work done within the city as specified in this chapter and such fees shall be paid before the beginning of any construction, alteration or installation as hereinafter set forth.

(Ord. No. 91-7, § 1(1), 6-24-91)

LDC 18.00.00 - DEVELOPMENT ORDERS

Prior to the commencement of any construction, a permit, otherwise described as a development order shall be obtained from the City for construction which would regularly require a permit. A permit fee shall be charged by the City for all construction, additions, alterations, repairs, remodeling; for electrical, gas, mechanical and plumbing installation; for structures other than buildings including, but not limited to, fencing, swimming pools, signs, parking areas, roofing or re-roofing; television, radio tower and satellite dish installation; docks, boathouses, bulkheads and seawalls; for moving or demolition of buildings or structures; specifying inspection and re-inspection fees; and penalties for starting work without a permit, which shall be collected by the Planning and Zoning Department for all work done within the City as specified in this article and such fees shall be paid before the beginning of any construction, alteration or installation as hereinafter set forth. For the commencement or any type of work requiring a development order or permit where such development or permit has not been obtained, a stop work order may be issued:

LDC 18.04.00 - REQUIREMENT, PLANS REVIEW AND PENALTY FOR NONCOMPLIANCE

Any person, who performs any and all work or development requiring a permit or plans review as set forth in Sections [18.00.00](#) and [18.02.00](#) of this article shall obtain the appropriate permits and/ or ensure that plans are reviewed and approved prior to commencing work, or shall be subject to penalties as set forth in [section 18.05.00](#) of this article.

(Ord. No. 2014-13, § 1, 9-2-14)

Florida Statute 553.79 Permits; applications; issuance; inspections.—

(1)(a) After the effective date of the Florida Building Code adopted as herein provided, it shall be unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building within this state without first obtaining a permit therefor from the appropriate enforcing agency or from such persons as may, by appropriate resolution or regulation of the authorized state or local enforcing agency, be delegated authority to issue such permits, upon the payment of such reasonable fees adopted by the enforcing agency. The enforcing agency is empowered to revoke any such permit upon a determination by the agency that the construction, erection, alteration, modification, repair, or demolition of the building for which the permit was issued is in violation of, or not in conformity with, the provisions of the Florida Building Code. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. A plans reviewer or building code administrator who is responsible for issuing a denial, revocation, or modification request but fails to provide to the permit applicant a reason for denying, revoking, or requesting a modification, based on compliance with the Florida Building Code or local ordinance, is subject to disciplinary action against his or her license pursuant to s. [468.621\(1\)\(i\)](#). Installation, replacement, removal, or metering of any load management control device is exempt from and shall not be subject to the permit process and fees otherwise required by this section.

F-1

Parcel Summary

Parcel ID 16-25-24-0291-0002-0120
 Location Address 441 STONEHENGE DR
 MARY ESTHER 32569
 Neighborhood BRYN MAWR PARK (242209.00)
 Brief Tax Description* BRYN MAWR PARK 1ST ADD LOT 12 BLK 2
 *The Description above is not to be used on legal documents.
 Property Use Code SINGLE FAM (000100)
 Sec/Twp/Rng 16-25-24
 Tax District Mary Esther (District 5)
 Millage Rate 14.923
 Acreage 0.000
 Homestead Y
 Acreage (GIS) 0.18
 Fire District N/A

[View Map](#)

Owner Information

Primary Owner
 Swenson Thomas W
 441 Stonehenge Dr
 Mary Esther, FL 325690314

Valuation

	2020 Certified Values	2019 Certified Values	2018 Certified Values	2017 Certified Values	2016 Certified Values
Building Value	\$111,320	\$105,471	\$91,632	\$79,667	\$76,040
Extra Features Value	\$11,470	\$11,655	\$10,638	\$5,995	\$5,886
Land Value	\$42,269	\$42,375	\$36,450	\$36,450	\$35,048
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$165,059	\$159,501	\$138,720	\$122,112	\$116,974
Assessed Value	\$165,059	\$152,592	\$138,720	\$96,759	\$94,769
Exempt Value	\$50,500	\$0	\$0	\$50,000	\$50,000
Taxable Value	\$114,559	\$152,592	\$138,720	\$46,759	\$44,769
Cap Diff/Portability Amount	\$0	\$6,909	\$0	\$25,353	\$22,205

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

2020 TRIM Notice

[Click Here to view the 2020 TRIM Notice \(PDF\)](#)

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000100	SFR	1.00	LT	80	0

Building Information

Building 1
 Type SINGLE FAM
 Total Area 2,216
 Heated Area 1,488
 Exterior Walls CB STUCCO;
 Roof Cover DIMEN/TIMB;.
 Interior Walls DRYWALL;.
 Frame Type .
 Floor Cover TERRAZZO; CLAY/CERMC
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 2
 Bedrooms 3
 Stories 1
 Actual Year Built 1963
 Effective Year Built 1978

Extra Features

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
SWPOOL	SWIMPOOL	1	0x0x0	1	UT	1986
FIRPLC	FIREPLC	1	0x0x0	1	UT	1993

EXHIBIT F-2

Building Area Types

Type	Description	Sq. Footage	Year
UST	UNF STORAG	48	1963
FCP	F CARPORT	344	1963
BAS	BASE AREA	1,488	1963
FOP	F OPN PRCH	160	1963
FEP	F ENC PRCH	176	1963

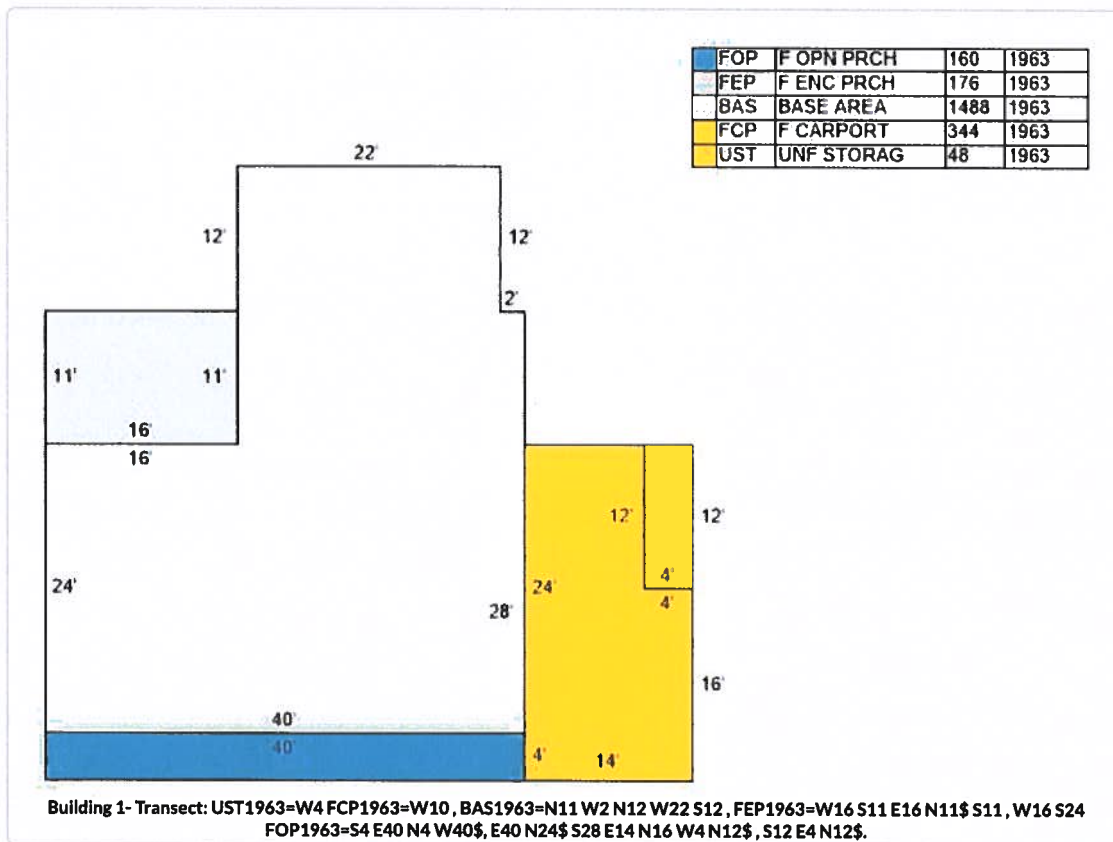
Sales

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	08/25/2017	\$177,000	WD	3315	1830	Qualified (Q)	Improved	KNEELAND RICHARD R SR & FAITH A	SWENSON THOMAS W -SINGLE
N	10/14/2003	\$100	PR	2483	1814	Unqualified (U)	Improved	KNEELAND CARLA	KNEELAND RICHARD R SR
N	10/14/2003	\$100	PR	2483	1813	Unqualified (U)	Improved	KNEELAND OLGA A (DECEASED)	KNEELAND RICHARD R SR
N	02/26/2003	\$100	QC	2422	712	Unqualified (U)	Improved	KNEELAND RICHARD R SR	KNEELAND OLGA A
N	01/01/1977	\$11,183	PV	0	0	Unqualified (U)	Improved		
N	09/15/1976	\$23,800	WD	867	462	Unqualified (U)	Improved	BEARD RAY A & ANNA J	KNEELAND RICHARD R SR & OLGA M

2020 Property Record Card

[Click Here to view the 2020 Property Record Card \(PDF\)](#)

Sketches



[Print Sketches](#)



CITY OF MARY ESTHER

195 CHRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.16

FAX (850) 243-0736

EMAIL:
CODE@CITYOFMARYESTHER.COM

PLANNING AND ZONING DEPARTMENT

CORRECTION NOTICE

May 14, 2019

Thomas Swenson
441 Stonehenge Drive
Mary Esther, FL 32569

EXHIBIT

Permit #20190091

G

Your application submitted on May 14, 2019 has been reviewed by the Planning and Zoning Department for compliance with City building, construction and land development requirements. Review comments are listed below and will need to be corrected.

- (1) The permit application is incomplete. All applicable fields must be completed.
- (2) The survey you submitted does not show the proposed accessory structure and dimensions/setbacks, property restrictions (if any) and is not certified (signed and sealed by a Florida registered land surveyor).
- (3) The engineered plans submitted do not show the specific design standard for construction for sheets 2 through 5. Each sheet will need to have the specific model/construction type highlighted. Please contact Carolina Carports to identify the model/construction type for each sheet.
- (4) All contractors working on the project will need to be registered with the City.
- (5) An executed contract showing the full retail cost is required.
- (6) A certified foundation survey may be required prior to vertical construction.

Respectfully,

Kelvin Cherry
Planning & Zoning Department

A handwritten signature in black ink, appearing to read "Kelvin Cherry", is written over a horizontal line.

Permit 20190091 441

Stonehenge Drive, Mary Esther, FL 32569

EXHIBIT H

Reviews

Review Date	Type	Target Date	Completed Date	Description	Status	Assigned To
05/14/2019	SITE AND BUILDING PLAN REVIEW	05/14/2019	05/14/2019	(1) Incomplete application (2) Survey doesn't show proposed structure and is not certified (3) Engineered plans do not show specific construction method (4) Executed contract	REJECTED	KELVIN CHERRY

Notes

Date	Entered By	Note
04/14/2021	Robert, Herbstreith	APPLICANT DID NOT RE-SUBMIT.
06/24/2019	Cherry, Kelvin	Thomas Swenson came to City Hall to discuss the permit process. He did not furnish any of the items listed on his correction notice. I made a copy of a set of plans that he tried to submit. I went over his correction notice with him again and he stated he understood what needed to be done. There is no permit application on file as of 6/24/2019 K.C.
05/16/2019	Cherry, Kelvin	I meet with Thomas Swenson at 10:00 A.M. at City Hall and discussed his correction notice with him. K.C.



**BEFORE THE CITY OF MARY ESTHER
SPECIAL MAGISTRATE
IN AND FOR CITY OF MARY ESTHER, FLORIDA**

DEPUTY CLERK jkauffmann
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA

ORDER FINDING VIOLATIONS AND REQUIRING COMPLIANCE

CITY OF MARY ESTHER, FLORIDA
Petitioner

CASE NO: 2017291

V.

**CITY OF MARY ESTHER
COUNTY OF OKALOOSA
STATE OF FLORIDA**

ROSANNA G. MCCURRY
Respondent(s)

THIS MATTER, having been duly noticed, came before the Special Magistrate of the City of Mary Esther, Florida on June 10, 2019, on petitioner's request for said hearing for non-compliance of City codes and/or ordinances. Whereupon, having heard testimony under oath from witnesses, heard arguments from both parties (if present), reviewed all evidence as submitted into the official record, and otherwise being fully apprised of the premises, the Special Magistrate finds as follows:

1. Rosanna G. McCurry ("Respondent") is the owner or is otherwise in control of the property located at 709 Marcia Circle, Mary Esther, FL 32569 (the "Property").
2. The Property is otherwise known as parcel number 15-2S-24-1622-000C-0130 and is legally described as Miramar Estates 1st Addition Lot 13 Block C.
3. The Property was cited for violation of City code 10-2, 10-22, 10-23 and 10-26, having litter, trash and debris stored and discarded on the property and having over grown vegetation (the "Violations").
4. Proper notice of the cited violations and the notice of hearing was served on the Respondent, and the Respondent was provided with the opportunity to be heard and submit testimony and evidence at the properly noticed hearing.
5. Rosanna G. McCurry and Richard McCurry appeared at the hearing and provided testimony.
6. The Respondent is found to have violated City code 10-2, 10-22, 10-23 and 10-26 by failing to remove litter, trash and debris and maintain the vegetation on the property.
7. The Respondent was provided a reasonably sufficient time to voluntarily correct the Violations, which she failed to do within the time prescribed.
8. The City has proved the alleged Violations of the cited Ordinances by competent, substantive evidence. Therefore, the City is entitled to recover the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$380.00, which I find to be reasonable and appropriate under the circumstances.
9. The Respondent shall have until July 10th, 2019 (30 calendar days), to bring the Property into full compliance with the Ordinances of the City of Mary Esther.
10. If the Respondent fails to bring the Property into full compliance with the Ordinance of the City of Mary Esther within the time prescribed, I find that a fine of \$100.00 per day for each day of non-compliance thereafter to be a reasonable and appropriate fine under the circumstances, taking into account the gravity of the Violations, any actions taken by the Respondents to correct the Violations, and any previous violations committed by the Respondents.

Therefore, based upon the foregoing, **IT IS HEREBY ORDERED AND ADJUDGED**, that

1. On or before July 10, 2019, the Respondent shall pay to the City of Mary Esther the costs incurred in prosecuting this case before the Special Magistrate in the amount of \$380.00.
2. On or before July 10, 2019, the Respondent shall pay to the City of Mary Esther a fine of \$100.00 for non-compliance.
3. On or before July 10, 2019, the Respondent shall cure the above-referenced Violations and bring the Property in full compliance with the Ordinances of the City of Mary Esther.
4. If the Respondent fails to bring the Property in compliance with the Ordinances of the City of Mary Esther as ordered and within the time prescribed, the Respondent shall pay a fine in the amount of \$100.00 per day for each day any Violation identified continues after July 10, 2019.
5. It is the Respondents' responsibility to notify the City when the Violations have been corrected so that the Property can be inspected to confirm compliance.
6. The fines and fees imposed herein shall bear interest at 6.57% per annum until paid and the fines and interest shall automatically become a lien against the Property.

DONE AND ORDERED, this 24 day of June 2019.



J. Bruce Bowman
Mary Esther Special Magistrate



RIGHT TO APPEAL – You have the right, at your own expense, to appeal this Order entered by the Special Magistrate by filing a writ of certiorari for appeal to the Circuit Court. Any appeal must be filed with the Circuit Court within 30 days of this order.

NOTICE OF LIEN AND INTENT TO RECORD – A certified copy of this Order may be recorded in the official records of Okaloosa County and thereafter shall constitute a lien against any real and personal property owned by Respondent(s), until paid, and at which the City may seek to foreclose on said recorded lien after 90 days from the date of filing, pursuant to Code of Ordinances, City of Mary Esther section 2-79 and Florida Statute 162.09. Name and address of lien holder: City of Mary Esther, 195 Christobal Road North, Mary Esther, FL 32569

Prepared by and Return to:

Emerald Coast Title Services, LLC
158 Eglin Pkwy NE
Suite 102
Fort Walton Beach, FL 32548
File Number 2023-12-763

SPECIFIC POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Rosanna Mccurry, the undersigned of 709 Marcia Circle, Mary Esther, FL 32569, do hereby make, constitute and appoint Alexander Pryor, of 1813 Lewis Turner Blvd Fort Walton Beach, FL 32547, my true and lawful Attorney in Fact for me and in my name, place and stead, in any way which myself could do, if I were personally present, with respect to:

Lot 13, Block C, MIRAMAR ESTATES FIRST ADDITION, according to plat thereof as recorded in Plat Book 5, Page 10, of the Public Records of Okaloosa County, Florida.

This instrument is to be construed and interpreted as a Specific Power of Attorney. My said Attorney is to have, use and take all offers, way and means, in my name, or otherwise, that may be found necessary or proper, in the execution of this Specific Power of Attorney. To do all lawful acts and things whatsoever, concerning the above described property and to sign, seal, acknowledge and deliver a Warranty Deed and all other instruments necessary for the sale of the above described property to accomplish this power as fully in every respect as I myself might or could do were I personally present at the closing thereof; hereby ratifying and confirming, and by these presents, allowing my said Attorney shall, in my name, lawfully do or cause to be done, in and about the premises, by virtue of these presents.

This Specific Power of Attorney shall not be affected by disability, in competency or incapacity of the principal in accordance with State Law.

This Specific Power of Attorney is irrevocable for a period of 60 days.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal this __ day of January, 2024.

Diane Lambert Diane Lambert

Witness #1

Rosanna McCurry

Rosanna Mccurry

James Lambert James Lambert

Witness #2

STATE OF Alabama

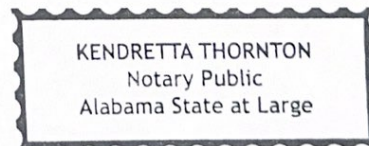
COUNTY OF Houston

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me by means of () physical presence or () online notarization, this 7th day of January, 2024, by Rosanna Mccurry, who is personally known to me or who produced Military ID as identification.

[Signature]

NOTARY PUBLIC

My Commission Expires: **My Commission Expires**
(SEAL) July 28, 2025





CITY OF MARY ESTHER

195 CHRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.3

FAX (850) 243-0736

EMAIL: CODE@CITYOFMARYESTHER.COM

CODE ENFORCEMENT FINE REDUCTION REQUEST

Respondent: Alexander Pryor // Attorney in fact for ^{McCurry} Roseanna Case Number: _____

Mailing Address: 1813 Lewis Turner Blvd, Furl 3, FL 32647

Phone # 904-585-4271 Email Address: alexdpw@icloud.com

Violation Address: 709 Marine Circle, Mary Esther FL

Violation(s) Cited: _____

State the reason or grounds for your request and why the request should be granted: I am purchasing this home to fix it, improve it, and give it to a good family to live in. Ms. McCurry is elderly and disabled and was unable to bring the home into compliance due to her disabilities and financial hardship. I brought the home into compliance as soon as I was aware of what needed to be done.

Date Compliance Ordered By: _____ Passed Inspection on: _____ Days Non-Compliant _____

Citation(s): _____ Late Fees: _____

Administration Fee: _____ Hearing Fine: _____ Daily Fine: _____

Interest: _____ Inspection Fees: _____ Recording Fee: _____ Attorney Fees: _____

City Abatement Fees/Costs: _____ Total Due: _____

Requested Settlement Amount \$ 5,000 Date When You Are Able To Make Payment: 1/24/24

YOU MUST PERSONALLY APPEAR BEFORE THE CITY OF MARY ESTHER CITY COUNCIL TO PRESENT YOUR REQUEST FOR A FINE REDUCTION. YOU WILL BE NOTIFIED OF THE DATE AND TIME THAT THE REQUEST WILL BE HEARD. THE CITY COUNCIL IS NOT OBLIGATED TO GRANT YOUR REQUEST AND MAY COUNTER THE REQUEST OR TAKE OTHER ACTIONS.

Alexander Pryor
APPLICANTS PRINTED NAME
[Signature]
APPLICANTS SIGNATURE
1/24/24
DATE

EXHIBIT LIST

Case Number: 2017291

Respondent: Rosanna McCurry

Violation Address: 709 Marcia Circle, Mary Esther, FL 32569

Exhibit A Case Summary

Exhibit B Pictures

Exhibit C Notice of Violation

Exhibit D Notice of Non-Compliance

Exhibit E Notice of Non-Compliance

Exhibit F Notice of Hearing

Exhibit G Affidavits of Service

Exhibit H City Code

Exhibit I Property Ownership Record

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

Exhibit _____

CASE SUMMARY

EXHIBIT A

Case Number: 2017291	Violation Address: 709 Marcia Circle Mary Esther, FL 32569
Respondent(s) Rosanna McCurry	
Property Owner: Rosanna McCurry	

Violations Cited

Description	City Code or State Statute
Overgrown vegetation – bushes, tress, grass, weeds	10-22(a) & (b)(3); 10-23(a)(1); 10-23(d)
Litter, trash, debris	10-2 (a); 10-22 (b)(2) & (7); 10-23 (e); 10-26 (e)

Activities, Inspections, Notices

Date	Type	Comments
12/7/2017	Inspection	Overgrown bushes, trees and shrubs. Accumulation of litter, trash and debris in front and rear yard.
12/7/2017	Notice of Violation	Issued to Rosanna McCurry. 10 days for compliance.
2/2/2018	Complaint	Received from neighbor about condition of property
2/7/2018	Inspection	Property is non-compliant
2/13/2018	Inspection	Property is non-compliant
2/13/2018	Notice of Non-Compliance	Issued to Rosanna McCurry
2/23/2018	Inspection	Property is non-compliant
6/4/2018	Inspection	Property is non-compliant
2/6/2019	Inspection	Property is non-compliant
2/6/2019	Notice of Non-Compliance	Issued to Rosanna McCurry
5/1/2019	Inspection	Property is non-compliant

Administration Fee

Enforcement Hearing		\$130.00
Staff Case Preparation & Review		\$50.00
Inspection By Code Enforcement Officer.....	\$30.00 X8	\$240.00
Certified Mail.....	\$6.56 X0	\$0.00
Personal Service.....	\$15.00 X4	\$60.00
	TOTAL:	\$480.00

Recommended Order

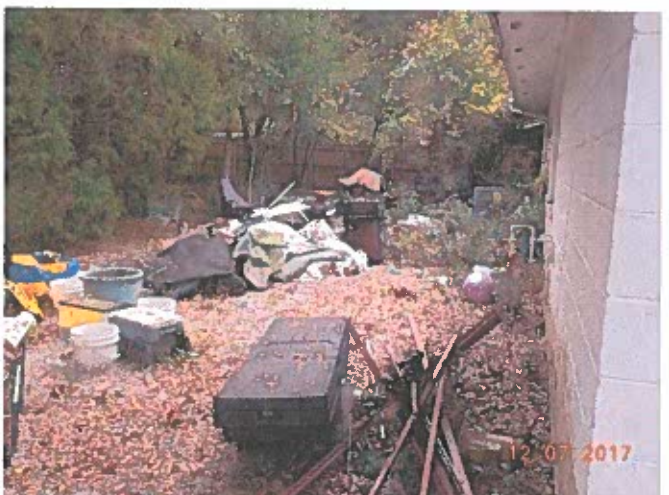
- (1) Rosanna McCurry is found to have violated City codes and ordinances by allowing litter, trash and debris to remain on the property and failing to cut and maintain vegetation on the property.
- (2) Within 15 calendar days, all violations shall be brought into full compliance.
- (3) Within 30 calendar days, pay an administration fee of \$480.00 to be paid to the City of Mary Esther for the cost of prosecution.
- (4) Within 30 calendar days, pay a fine of \$250.00 to be paid to the City of Mary Esther for non-compliance.
- (5) A daily fine of \$150.00 per day for each day the violations remain non-complaint after 15 calendar days.
- (6) Interest in the amount of 4.75 percent per annum for all fines and fees that remain unpaid after 30 calendar days.

EXHIBIT

B-1

December 7, 2017 Page 1





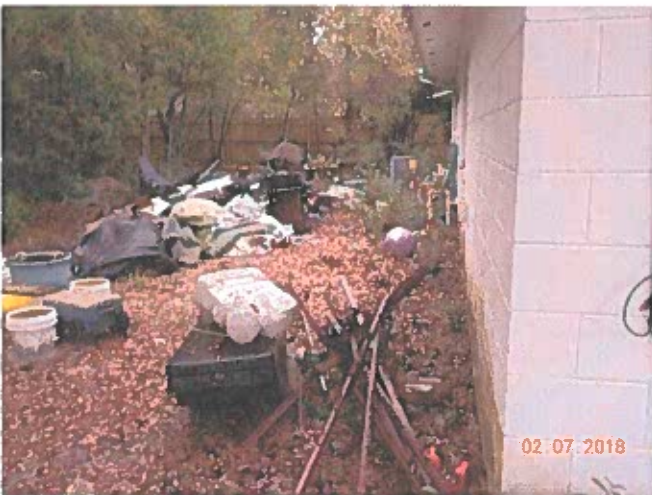


EXHIBIT

February 7, 2018

B-4

Page 1



EXHIBIT

February 7, 2018

B-5

Page 2



EXHIBIT

February 23, 2018

B-6



EXHIBIT
B-7

June 4, 2018



EXHIBIT B-8

February 6, 2019

Page 1 of 2

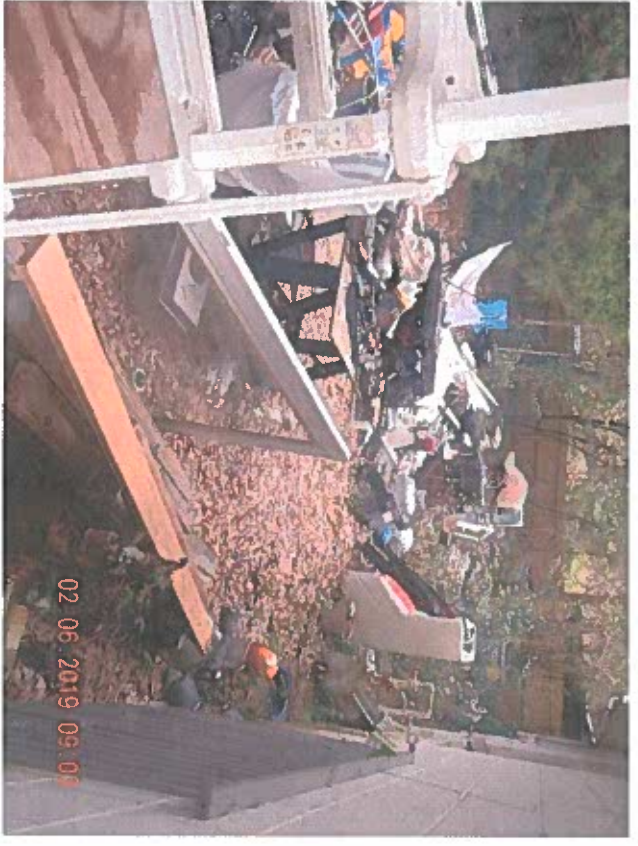


EXHIBIT B-9

February 6, 2019

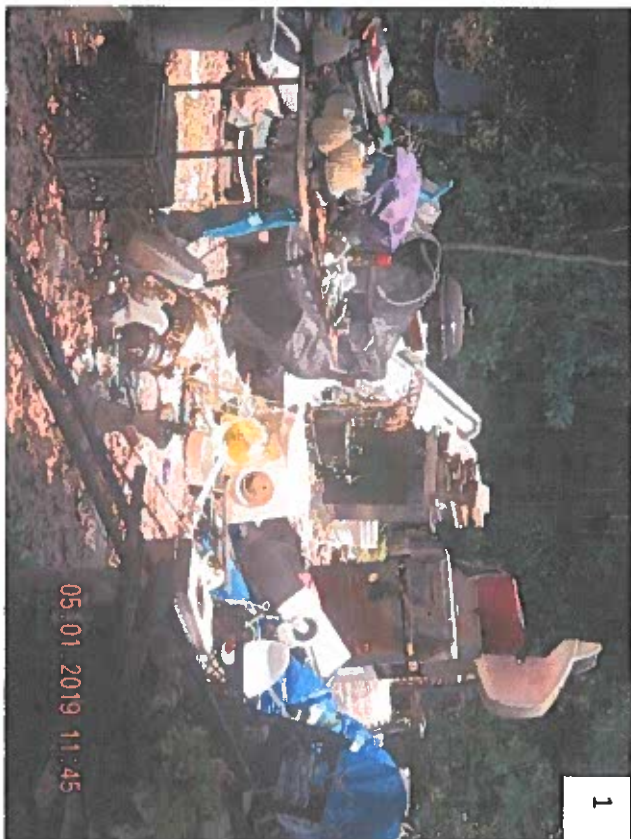
Page 2 of 2



EXHIBIT B - 10

May 1, 2019

Page 1 of 1



CITY OF MARY ESTHER
COUNTY OF OKALOOSA
STATE OF FLORIDA

MUNICIPAL COMPLAINT
AND VIOLATION
A 1088

THE UNDERSIGNED CERTIFIES AND HAS REASON TO BELIEVE THAT:			
NAME (First, Middle, Last) ROSANNA G MCCURRY			
ADDRESS 709 MARCIA CIRCLE MARY ESTHER FL 32569			
DRIVER'S LICENSE / ID NO. NA	STATE NA	DATE OF BIRTH NA / /	
IN THE CITY OF MARY ESTHER, COMMITTED A VIOLATION OF CITY CODE/STATE STATUTE SECTION(S) 102 ; 10-22 ; 10-23			
DATE OF VIOLATION 12 / 7 / 2017	TIME 9:40	<input checked="" type="radio"/> AM <input type="radio"/> PM	LOCATION 709 MARCIA CIRCLE
VIOLATION DESCRIPTION ① HOUSEHOLD ITEMS STORED IN FRONT AND BACKYARD ② BUSHES OVER GROWN IN FRONT AND BACKYARD			
VEHICLE (Year, Make, Model, Color) NA		VIN NO. NA	
LICENSE PLATE NA	STATE NA	REGISTRATION EXP. NA / /	FINE \$ <u>0</u>
OFFICER COMMENTS / REQUIREMENTS FOR COMPLIANCE WITH IN 10 DAYS OF THIS NOTICE ^① REMOVE ALL ITEMS, TRASH, AND DEBRIS FROM YARD AND PROPERLY DISPOSE OR STORE ^② CUT / TRIM ALL BUSHES & HEDGES			
WITHOUT ADMITTING GUILT, I PROMISE TO ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED HEREIN.			
SIGNATURE OF DEFENDANT: <i>Rosanna G. McCurry</i>			
ISSUING OFFICER KELVIN CHERY	ID NO. 1058	AGENCY MECE	DATE 12 / 7 / 2017
		OFFENSE NO. 2017291	
You have been charged with a civil infraction which requires that you comply with the following: (1) Within 30 calendar days, make payment to the Okaloosa County Clerk of Court located at 1940 Lewis Turner Boulevard, Fort Walton Beach, FL 32547 (850) 651-7200 or elect to contest this citation. <input checked="" type="checkbox"/> (2) Written notice of violation. No fine. Comply with requirements for compliance. You may elect to contest this citation by contacting the Okaloosa County Clerk of Court located at 1940 Lewis Turner Boulevard, Fort Walton Beach, FL 32547 (850) 651-7200. Failure to remit payment or contest this citation within the time prescribed herein shall cause you to have waived your rights to a hearing and a judgment may be entered against you not to exceed \$500.00 or the maximum amount as allowed by law. Additional fees may be accessed against you for the cost of prosecution. City of Mary Esther Code Enforcement (850) 243-3566 Ext.16			
REFUSAL TO SIGN A CITATION IS A MISDEMEANOR OF THE SECOND DEGREE. FLORIDA STATUTE 162.21(6) CITY CODE 2-76.04.			



CITY OF MARY ESTHER

195 CHRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.16

FAX (850) 243-0736

EMAIL:
CODE@CITYOFMARYESTHER.COM

CODE ENFORCEMENT DEPARTMENT

NOTICE OF NON-COMPLIANCE

Issue Date: February 13, 2018

Case Number: 2017291

Respondent: Rosanna McCurry
709 Marcia Circle
Mary Esther, FL 32569

Violation Address:
709 Marcia Circle
Mary Esther, FL 32569

Dear MS. McCurry,

On December 7, 2017 a notice of violation was issued after violation(s) of the City of Mary Esther codes were found at the violation address. The violation(s) were ordered to be brought into compliance within 10 days of the receipt of notice. As of the date of this notice, the violations cited are non-compliant. All violations cited below shall be brought into a full state of compliance immediately. Failure to do so may result in a summons for your appearance at an enforcement hearing. Should you be found in violation at the enforcement hearing, you may be fined up to \$250.00 per day per violation, have administrative fees assessed against you and have a lien placed against all personal and real property you own in the State of Florida. For questions, you may contact the Department at 850-243-3566 Ext.16.

Violation(s) Cited:

- (1) Litter, trash, debris; Household items stored outside
CO 10-2(a); 10-22(b)(2) & (7); 10-23(e); 10-26(e)
- (2) Vegetation Overgrowth; Bushes, hedges, and tree limbs
CO 10-22(a) & (b)(3); 10-23(d)

Corrective Action To Be Taken:

Immediately upon the receipt of this notice, all litter, trash, debris and household items stored outside shall be properly disposed of. All usable items shall be stored within a completely enclosed building. All bushes hedges and tree limbs shall be trimmed/cut and maintained.

Thank you for your attention to this matter. This is the final notice you will receive requesting voluntary compliance for the above cited City code violations. If you believe you have received this notice in error, please contact the Department at the phone number or email address provided at the top of this notice.



CITY OF MARY ESTHER

195 CHRISTOBAL ROAD N.
MARY ESTHER, FL 32569

TELEPHONE (850) 243-3566 EXT.16

FAX (850) 243-0736

EMAIL:
CODE@CITYOFMARYESTHER.COM

CODE ENFORCEMENT DEPARTMENT

NOTICE OF NON-COMPLIANCE

FINAL NOTICE

Issue Date: February 6, 2019

Case Number: 2017291

Respondent: Rosanna G. McCurry
709 Marcia Circle
Mary Esther, FL 32569

Violation Address:
709 Marcia Circle
Mary Esther, FL 32569

Dear Mrs. McCurry,

On December 7, 2017 the City of Mary Esther issued a notice of violation for multiple code violations at the property of 709 Marcia Circle, Mary Esther FL, 32569. Violations Cited were litter, trash and debris discarded throughout the property and overgrown vegetation. All violations were to be brought into compliance within 10 days from the date of the notice. On February 13, 2018 a notice of non-compliance was issued for failure to comply with the violation notice and bring the property into compliance with City codes and ordinances.

As of the date of this notice, the property remains non-compliant and shall be brought into full compliance immediately. Failure to bring the violation(s) into compliance may result in a summons for your appearance at an enforcement hearing, a fine of up to \$250.00 per day per violation for a 1st offense or the maximum amount as allowed by law, administrative fees assessed against you, a lien placed against all personal and real property you own in the State of Florida, and the City may initiate actions necessary to bring the violation into compliance at your expense.

Thank you for your attention to this matter. This is the final notice you will receive requesting voluntary compliance. Please contact the Department at the phone number or email address provided at the top of this notice for any questions.

Robert Herbstreith, Director
Code Enforcement, Planning and Zoning Department

Attachments:

- Notice of Violation 12-7-2017
- Notice of Non-Compliance 2-13-2018

EXHIBIT

G-1

AFFIDAVIT OF SERVICE

CASE NUMBER: 2017291

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Rosanna McCurry

709 Marcia Circle

Mary Esther, FL 32569

Kelvin Cherry PERSONALLY AFFIRMS AND CERTIFIES:

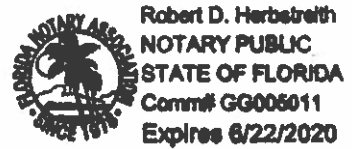
- 1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
- 2. THAT ON THE 7 DAY OF December, 2017, I PERSONALLY SERVED A COPY OF THE ATTACHED Notice of Violation
 BY HAND DELIVERY TO Rosanna McCurry
 AT 709 Marcia Circle, Mary Esther, FL 32569
 BY POSTING AT _____
 BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER _____ TO _____

[Signature]
AFFIANT'S SIGNATURE

5/13/2019
DATE

Sworn to and subscribed before me this 13 day of May, 2019,
by Kelvin Cherry who is personally known to me.

Robert D. Herbreith
NOTARY PUBLIC



AFFIDAVIT OF SERVICE

CASE NUMBER: 2017291

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Rosanna McCurry

709 Marcia Circle

Mary Esther, FL 32569

Kelvin Cherry PERSONALLY AFFIRMS AND CERTIFIES:

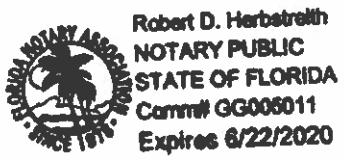
- 1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
2. THAT ON THE 13 DAY OF February, 2018, I PERSONALLY SERVED A COPY OF THE ATTACHED Notice of Non-Compliance BY HAND DELIVERY TO Rosanna McCurry AT 709 Marcia Circle, Mary Esther, FL 32569 BY POSTING AT BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER TO

[Signature] AFFIANT'S SIGNATURE

5/13/2019 DATE

Sworn to and subscribed before me this 13 day of May, 2019, by Kelvin Cherry who is personally known to me.

Robert D. Herbstreith NOTARY PUBLIC



EXHIBIT

G-3

AFFIDAVIT OF SERVICE

CASE NUMBER: 2017291

STATE OF FLORIDA
COUNTY OF OKALOOSA
CITY OF MARY ESTHER

RESPONDENT(S):

Rosanna McCurry

709 Marcia Circle

Mary Esther, FL 32569

Robert Herbstreith PERSONALLY AFFIRMS AND CERTIFIES:

- 1. THAT I AM EMPLOYED BY THE CITY OF MARY ESTHER, FLORIDA;
2. THAT ON THE 6 DAY OF February, 2019, I PERSONALLY SERVED A COPY OF THE ATTACHED Notice of Non-Compliance BY HAND DELIVERY TO Rosanna McCurry AT 709 Marcia Circle, Mary Esther, FL 32569 BY POSTING AT BY MAILING THE NOTICE CERTIFIED MAIL RETURN RECEIPT TRACKING NUMBER TO

Robert D Herbstreith
AFFIANT'S SIGNATURE

May 13, 2019
DATE

Sworn to and subscribed before me this 13 day of May, 2019, by Robert Herbstreith who is personally known to me.

[Signature]
NOTARY PUBLIC



Sec. 10-21. - Definitions.

For the purpose of this article, "code compliance officer" shall mean any authorized agent or employee of the city whose duty it is to enforce codes and ordinances enacted by the city, and whom has received appropriate training as determined by the city. This shall include, but not be limited to, code inspectors, including law enforcement officers, and municipal fire safety inspectors as defined in Chapter 633, Florida Statutes. Designation of a code compliance officer and appropriate training for such officer shall be determined by the city council.

Cover means any device, equipment, container, close-fitting tarpaulin, chain, rope, wire or line used on vehicles to prevent any part of a vehicle load to shift, blow, leak, fall or escape in any manner from the vehicle.

Developed shall mean any lot, tract, or parcel which currently has a structure or structures upon said property or an approved parking lot which meets the requirements of this Code.

Dump means to dump, throw, discard, place, deposit, or dispose of.

Enforcement agency means the law enforcement agency, the city manager or his designee.

Litter means any garbage; rubbish; trash; refuse; can; bottle; box; container; paper; tobacco product; tire; appliance; mechanical equipment or part; building or construction material; tool; machinery; wood; motor vehicle or motor vehicle part; vessel; aircraft; farm machinery or equipment; sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility; or substance in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Nuisance shall mean an unlawful act, or omission of the performance of a duty, or the suffering or permitting any condition or thing to be or to exist, which act, omission, condition or thing either:

- (1) Injures or endangers the comfort, repose, health or safety of others;
- (2) Offends decency;
- (3) Is offensive to the senses;
- (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- (5) In any way renders other persons insecure in life or the use of property;
- (6) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others; or
- (7) Is declared by ordinance to be a nuisance.

Public right-of-way shall mean the paved and unpaved area of a highway, roadway, street, or alley, other strip of land, reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Property owner shall mean the owner of any lot, tract, or parcel as listed in the Okaloosa County Tax Record.

Storage means the interim containment of litter in an approved manner, such as by use of roll-off containers, wire fencing, wood fencing or other controlled measures, after generation and prior to proper and final disposal.

Trash/debris/litter shall mean items which are not usable in their present condition as intended by the manufacturer by reason of being broken, discarded, not maintained or abandoned. Items include, but are not limited to: mechanical equipment, automobiles, boats, trailers, trucks, or any parts thereof, household furnishings, toys, garbage, bottles, cans, rags, dead or decayed animal matter, fruit vegetables, offal, bricks, concrete, scrap lumber, or other building debris or any other refuse of any nature.

Unauthorized accumulation means the accumulation of litter on residential or commercial properties in violation of any of the provisions of this article. This shall not include building materials used in constructing or repairing a building or stored for imminent construction or repairs.

Undeveloped shall mean any lot, tract, or parcel which does not currently have any structure or a parking lot placed upon said property which is not a city parking lot, an approved public parking lot or an approved parking lot required to serve a specific building/use. Properties having remnants of past development, (e.g., improved parking areas, driveways, and floor slab) but which have been substantially cleared shall be considered to be undeveloped property.

Unwholesome shall mean offensive to the senses, unsound in quality or condition, diseased, or decayed.

Sec. 10-22. - Prohibited conditions; declaration of nuisance.

(a) No person shall cause, permit, allow or suffer any of the conditions described in subsection (b) below to occur or exist upon any lot, tract or parcel of land, improved or unimproved, or in any building thereon, in the city to an extent and in a manner that such lot, tract or parcel of land or building is or may reasonably become infested with or inhabited by rodents, vermin, reptiles or wild animals, or may furnish a breeding place for mosquitoes, vermin or reptiles, and/or may threaten or endanger the public health, safety or welfare or to become unsightly to the extent as to be obviously below the general condition of properties in the immediate area and/or that such condition is obviously below the general condition of the surrounding area and which could negatively affect the general welfare of the area. Such conditions are hereby declared to be public nuisances and may be abated as such. Whoever generates litter in the city shall manage, store, handle, transport and dispose of it in accordance with this article.

(b) The prohibited conditions are as follows, but are not limited to:

(1) Failure to maintain property in accordance with the standards set forth in section 10-23, Duty of property owner;

(2) Any accumulation of litter, garbage, bottles, paper, cans, rags, rubbish, trash, debris, dead or decayed animal matter, fruit, vegetables, offal, bricks, concrete, scrap lumber, or other building debris, dead trees or other unsightly unsanitary matter that remains on such property or in such building;

(3) Any building, structure, premises or other place which is unsafe or unsanitary; not provided with adequate egress; which constitutes a fire hazard; is otherwise dangerous to human life; is not fit to be habitable or occupied; is in a state of disrepair or condition that displays inadequate maintenance, dilapidation, abandonment or obsolescence; or which may provide an uncontrolled breeding place, protection or shelter for rodents, reptiles, vermin and other pests. Repairs and construction will be completed in a timely manner, so as to not cause unsightly degradation of the neighborhood. All such buildings, structures, premises and other places shall be abated by timely repair or rehabilitation or by destruction and removal. In order to abate insect and rodent harborage all exterior property areas shall be kept free from rodent infestation, and where rodents are found, they shall be promptly exterminated by acceptable processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation;

(9) Any unsafe, unsanitary or unsightly condition that is not included within subsections (b)(1)—(8) hereof and that endangers the public health, welfare or safety.

Sec. 10-23. - Duty of property owner.

(a) It shall be the duty of the owner(s) within the city to maintain their lot, tract or parcel and the abutting right-of-way (but not including that area which is paved as roadway) consistent with the following standards:

(e) The property and right-of-way shall be kept free of trash, debris, and litter.

Sec. 10-24. - Littering prohibited.

(d) No person, owner, realtor or agent, having control of vacant or rental property shall allow such property to deteriorate by failure to maintain minimum standards of upkeep, such as cutting grass, removal of debris, garbage and trash. Such person, owner, realtor or agent, shall ensure proper action is taken to control such litter, garbage and trash should and in the event the occupant does not.

Sec. 10-26. - Storage of litter.

(a) The owners and operators of commercial establishments shall store their litter in a controlled manner so as to eliminate and prevent wind driven debris and litter from entry into the sewer systems and blowing in and about their establishments. The number and size of containers necessary for each commercial establishment shall be as required to control all waste generated on the premises. Sewer clean outs and manholes shall be sealed to prevent runoff water from entering the sewer system. Spillage and overflow around containers shall immediately be cleaned up by the generator thereof as it occurs.

(b) All loading and unloading areas at commercial establishments shall be provided, by the generator, with litter receptacles to store loose debris, paper, cardboard, packaging materials and similar materials.

(c) Every person owning or operating a public establishment or public place shall have receptacles available that are adequate to contain litter generated from such establishment.

(d) Every person in possession, in charge of or in control of any place, public or private, where litter is accumulated or generated, shall have available, and at all times shall keep such litter in, adequate and suitable receptacles and/or covered containers capable of holding such materials until proper final disposal is accomplished.

Sec. 10-27. - Litter control.

(b) Each operator, owner, lessee or agent of any business, industry or institution, private or public, profit or nonprofit, shall keep the adjacent and surrounding areas clean of wind driven litter generated from such business, industry or institution. These areas include public property, roads, rights-of-way, grounds, parking lots, loading and unloading areas and vacant lots owned or leased by such business, industry or institution.

(c) Each owner, realtor, agent, or occupant shall maintain minimum standards of yard maintenance and care by keeping the yards, easements, and rights-of-way mowed and free of wind blown trash, debris and encroachment from the planting of trees, shrubs, and bushes.

(d) No private property owner, tenant, occupant, lessee or agent shall grant permission to any person to dispose of litter on his or her property in any manner other than in permitted disposal sites.

(e) No person shall abandon in the city any icebox, refrigerator, trunk, storeroom, storage or utility shed, vehicles, or other thing constituting an attractive nuisance to children or constituting a probable danger to the life or limb of children, or maintain any such attractive nuisance or dangerous instrumentality.

9.06.03 Storage Buildings, Utility Buildings, Greenhouses:

E. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.

Sec. 10-22. - Prohibited conditions; declaration of nuisance.

(b) The prohibited conditions are as follows, but are not limited to:

(4) Any wholly or partially manmade swimming pool, container, receptacle, pond, other body of water, depression or excavation, or any other condition on the premises wherein water may accumulate and stand in such a manner as to make possible the propagation or production of odors, stenches, disease vectors, biting insect pests or the like, discolored water when present in a swimming pool.

Sec. 10-23. - Duty of property owner.

(a) It shall be the duty of the owner(s) within the city to maintain their lot, tract or parcel and the abutting right-of-way (but not including that area which is paved as roadway) consistent with the following standards:

(1) The owner, lessees or other persons in control of property, developed or undeveloped, within the city shall cut down and remove all weeds, grass, and undergrowth on said property when said weeds, grass or undergrowth exceeds eight (8) inches in height for developed properties and eighteen (18) inches for undeveloped properties.

(2) Said vegetative material growing in the abutting right-of-way shall not exceed eight (8) inches in height for both developed and undeveloped properties.

(3) Vegetative material shall be trimmed to the backside of the street curbs and not allowed to extend into the curb and gutter areas. Trimmings, debris, trash, soil, and etc. shall not be allowed to enter the gutter system.

Sec. 11-1. - Derelict vehicles

Vehicle or motor vehicle means a machine propelled or towed by power other than human power designed to travel in air, water, or land and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, recreational craft, semi-trailer, truck tractor and semi-trailer combination, motorcycle, tractor, watercraft, aircraft, buggy or wagon.

Derelict means any material which is or may have been a motor vehicle or recreational vehicle, with or without all component parts, which is inoperable and which material is in such condition that its highest primary value is either in its sale or transfer as scrap metal or for its component parts, or a combination of the two.

Inoperable motor vehicle means one which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

(b) General requirements.

(1) Parking and storage. It shall be unlawful for any person in charge or in control of any private property within the city, whether an owner, tenant, occupant, lessee, or otherwise to allow any derelict, inoperable or junked motor vehicle to be parked or stored on any private property in the city, unless the following conditions exist:

a. The vehicle is parked or stored within a completely enclosed building or the vehicle has been covered with a bumper to bumper tie-down cover in good repair which is specifically manufactured to cover a vehicle and has been adequately secured to the vehicle. No tarp shall be used as a vehicle cover.



Parcel Summary

Parcel ID 15-2S-24-1622-000C-0130
 Location Address 709 MARCIA CIR
 MARY ESTHER 32569
 Brief Tax Description* MIRAMAR EST 1ST ADD LOT 13 BLK C
 *The Description above is not to be used on legal documents.
 Property Use Code SINGLE FAM (000100)
 Sec/Twp/Rng 15-2S-24
 Tax District Mary Esther (District 5)
 Millage Rate 14.4603
 Acreage 0.000
 Homestead Y
 Acreage (GIS) 0.24
 Fire District N/A

[View Map](#)

Owner Information

Primary Owner
 Mccurry Rosanna G
 709 Marcia Cir
 Mary Esther, FL 325692014

Valuation

	2018 Certified Values	2017 Certified Values	2016 Certified Values
Building Value	\$70,708	\$66,919	\$63,969
Extra Features Value	\$0	\$0	\$0
Land Value	\$36,450	\$36,450	\$35,048
Land Agricultural Value	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0
Just (Market) Value	\$107,158	\$103,369	\$99,017
Assessed Value	\$75,486	\$73,933	\$72,412
Exempt Value	\$75,486	\$73,933	\$72,412
Taxable Value	\$0	\$0	\$0
Maximum Save Our Homes Portability	\$0	\$0	\$0

Just (Market) Value description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

Land Information

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000100	SFR	1.00	LT	80	0

Building Information

Building 1
 Type SINGLE FAM
 Total Area 1,408
 Heated Area 1,204
 Exterior Walls CONC BLOCK
 Roof Cover COMP SHNGL
 Interior Walls DRYWALL
 Frame Type
 Floor Cover CARPET; CLAY/CERMC
 Heat AIR DUCTED
 Air Conditioning CENTRAL
 Bathrooms 15
 Bedrooms 3
 Stories 1
 Actual Year Built 1971
 Effective Year Built 1971

Building Area Types

Type	Description	Sq. Footage	Year
BAS	BASE AREA	1,204	1971
FST	F STORAGE	148	1971
FOP	F OPN PRCH	56	1971