

Marion County Code Enforcement Board

Case Number
914853-DD

Item 7.1

HEARING DATE: MAY 8, 2024

Code Officer
D. DURBIN

Owner/Respondent
JOHN KLEER
7936 SONTAG AVE
NORTH PORT FL 34291-
5422

Occupant/Violator
JOHN KLEER

**Verbal contact with
owner/occupant**
No Yes Who

Parcel Number
Location
35301-001-07

COUNTRY GAITE, BLK
A LOT 7, ALONG SW
105TH PL, OCALA

Complainant
Self Generated
Anonymous
Citizen

Property Taxes
PAID



Photo taken by CEO Durbin on August 4, 2023

REQUEST TO APPEAR

**Violation: Marion County Code, Chapter 16, Article III, Section 16-92;
Accumulation of junk; unserviceable vehicles**

Summary: A Code Enforcement Board lien was recorded November 3, 2023, for an accumulation of junk on the 0.24 acre parcel on SW 105TH PL, OCALA. On November 13, 2023, Kathryn MacWhorter took possession of the property via a quit claim deed. Marion County Property Appraiser shows the 2023 Market Value is \$24,000.

Department Recommendation

The department's recommendation is that the Code Board recommend to the Board of County Commissioners that they deny the request to reduce / rescind the lien now totaling \$3,000 plus administrative costs of \$176.69.

Item 7.1

Notice Summary

Notice of Violation

March 27, 2023

April 11, 2023

May 2, 2023

Notice to Appear

July 18, 2023

Location

This 0.24 acre improved property is located within an R-1 Residential Zoning Classification, COUNTRY GAITE subdivision.

BACKGROUND

On May 2, 2023, Code Officer Dianna Durbin mailed a final *Notice of Violation* to JOHN KLEER for a violation on property located at COUNTRY GAITE, BLK A, LOT 7, ALONG SW 105TH PL, OCALA, parcel # 35301-001-07. On July 18, 2023, a *Notice to Appear* for the August 9, 2023 Code Enforcement Board (CEB) hearing was sent via certified mail. The letter was returned marked "UNCLAIMED". Proof of service was by *Affidavit of Posting* dated July 24, 2023. On August 9, 2023, Code Supervisor Robin Hough presented the case to the CEB. JOHN KLEER was not present. The CEB found him to be in violation and directed Mr. Kleer to bring the violation(s) into compliance on or before August 31, 2023, or be fined \$50 a day for each day the violation(s) continued past the date set for compliance up to a maximum of \$3,000. On September 13, 2023, the CEB imposed the fine per the prior order based on an *Affidavit of Continuing Violation* filed by Officer Durbin. The lien was recorded November 3, 2023.

On November 13, 2023, a quit claim deed was recorded, conveying the property to Kathryn MacWhorter. Ms. MacWhorter has requested to appear before this Board to ask that the CEB lien be released. Officer Durbin confirmed the violation was cleared January 16, 2024.



Photo taken by CEO Durbin January 16, 2024



**Marion County
Board of County Commissioners**

Growth Services • Code Enforcement

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-671-8900
Fax: 352-671-8903

March 08, 2024

KATHY MACWHORTER
7936 SONTAG AVE
NORTH PORT FL 34291-5422
KATHYANDBRUCE@VERIZON.NET

**RE: Request to Appear at the Code Enforcement Board Hearing on
Code Enforcement Case # 914853**

Your request to appear before the Code Enforcement Board for a possible rescission or reduction of the fine on the above referenced case has been received and will be placed on the Agenda for the next regularly scheduled meeting.

The next meeting is scheduled for **9:00 a.m., Wednesday, May 8, 2024**, at the Marion County Growth Services Main Training Room, 2710 E. Silver Springs Blvd., Ocala, Florida, concerning this matter. You or a representative of your choosing must attend the hearing, present testimony or evidence and question the witnesses. There will be a record kept of the hearing which may, upon payment of reasonable preparation charges, be available for appeals of the Board's action. Appeals are governed by Section 2-208 of the Code.

If you have any questions, please feel free to contact me at the Code Enforcement Office.

Sincerely,

Sandra Woodrow

Sandra Woodrow
Marion County Growth Services
Code Enforcement Board Secretary




**Marion County
Board of County Commissioners**

Growth Services • Code Enforcement

2710 E. Silver Springs Blvd.
Ocala, FL 34470
Phone: 352-671-8900
Fax: 352-671-8903

Marion County
Code Enforcement

FEB X 5 2024

Received by: 

**Marion County Code Enforcement Board
Request for Rescission or Reduction of Lien**

Now requires a non-refundable \$250.00 processing fee

CASE NUMBER: _____

Date: January 31, 2024

Name: Kathy MacWhorter

Address: 7936 Sontag Avenue, North Port, FL 34291

Phone Number: 941-421-2298

Code Enforcement Board Chairperson:

I am requesting to appear before the Code Enforcement Board for a recommendation for a possible rescission or reduction of the lien on the above referenced case.

Give detailed justification explaining the reason for this request; list each violation, and the fine and lien for which you seek relief. _____

Please see Attached letter

Thank you,

FEB 15 2024

Were you the owner of the property at the time the fine was imposed? NO

Received by: [Signature]

Did you purchase the property after the lien was recorded? Yes

Was a title search performed? NO

Is the property in compliance today? A Code Enforcement Officer will contact you to schedule an inspection. Yes, an affidavit of compliance has been filed and recorded.

Who was responsible for the violation being cleared/removed? John Kleer was at the time the violation happened. But I had it cleaned up.

Are the property taxes paid? Yes, I paid all the back taxes

Have any improvements to the property been made that are not reflected on the Property Appraiser report? NO

Applicant's signature: Kathy Mackelroy


RECEIVED DATE: <u>2-5-2024</u>	STAFF/OFFICE USE ONLY	RECEIVED BY: <u>P. Jernung</u>
PAYMENT RECEIVED: <u>2-5-2024</u> (\$250.00 - NON-REFUNDABLE)		PAYMENT TRANSACTION NO: <u>1269 642</u>
CEB HEARING DATE: _____		

January 31, 2024

Marion County
Board of Commissioners
Code Enforcement

Marion County
Code Enforcement

FEB X 5 2024

Received by: 

Re: Parcel Number: 35301-001-07
Code Case: 914853

To Whom It May Concern:

Back in November, 2023, I received a phone call from someone wanting to buy a piece of property that my brother, John Kleer, owned in Ocala. I called my brother and asked him about it, and he told me that he had bought that property back in 2007, along with a few other properties, and he had actually forgotten all about that lot in Ocala until I called him. I explained to him that when I looked it up he had back taxes due on the property for around \$2,900.00. I asked him if I could have the lot if I paid the back taxes, and he said yes. So, I called and paid all of the back taxes on the lot and then had my brother and his wife sign over a Quit Claim Deed to me. Since I was purchasing the lot from my brother, I did not think there was a need to have a title search on the property. Once I received the Quit Claim Deed, I mailed it to Marion County to have it recorded.

On November 10, 2023, I received the recorded Quit Claim Deed from Marion County along with a letter stating that there was a code violation and a lien on the property for \$3,000.00. I called the code enforcement office and spoke to Diane. She explained to me that they had sent a letter to my brother's last known address in Fort Lauderdale when they first noticed the violation giving him 30 days to fix the problem. I then explained to her that he moved from Fort Lauderdale to California back in 2008. I also gave her my address and told her that I would have the violation corrected.

At the time I spoke to Diane, I explained that I am the sole caregiver of my older brother, who was just released from the hospital after being in there for 4 months due to congestive heart failure, and who is in the process of being placed on the heart transplant list. But I assured her that I would get the violation fixed.

On January 15, 2024, I sent an email along with pictures showing that the lot was cleaned up.

At this time, I am asking for a possible rescission or reduction of the lien on the above referenced case due to the above circumstances.

Thank you for your consideration.



Kathy MacWhorter
941-421-2298



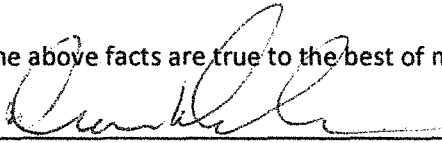
GREGORY C HARRELL CLERK & COMPTROLLER MARION CO
 DATE: 01/22/2024 12:28:55 PM
 FILE #: 2024007768 OR BK 8235 PG 987
 REC FEES: \$10.00 INDEX FEES: \$0.00
 DDS: \$0 MDS: \$0 INT: \$0

CASE #653606 / 914853-DD

**MARION COUNTY CODE ENFORCEMENT BOARD LIEN ORDER
 AFFIDAVIT OF COMPLIANCE**

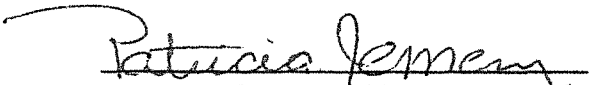
1. The Marion County Code Enforcement Board found **JOHN KLEER** to have violated **Marion County Code, Chapter 16, Article III, Section 16-92; Accumulation of junk; unserviceable vehicles** as referenced in the Board Order dated **August 15, 2024**.
2. The violator was given until **August 31, 2023**, to comply with said Order or be fined **fifty dollars (\$50.00) per day**, which shall continue to accrue daily, until the violation is cleared, commencement of a foreclosure action, or until extinguished by law, up to a maximum of **three thousand dollars (\$3,000.00)**.
3. On **January 16, 2024, at 9:48 a.m.**, I reinspected the property located at **COUNTRY GAITE, BLK A LOT 7, ALONG SW 105TH PL, Ocala** for compliance.
4. I observed that the violation has been brought into compliance as of **January 16, 2024**.
5. The existing fine of **three thousand dollars (\$3,000.00)** will remain as a lien against any real or personal property owned by **JOHN KLEER** until said fine is paid or otherwise extinguished by law. **The collection agency fee and administrative costs will also be added to the total payoff amount and the lien will be reported to credit bureaus.**

I HEREBY swear under penalties of perjury that the above facts are true to the best of my knowledge.



 AFFIANT

PERSONALLY KNOWN and sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 16 day of January 2024, by Code Officer **Dianna Durbin**.

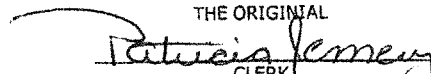


 Signature of Notary Public-State of Florida



PATRICIA JEMERY
 Commission # HH 140711
 Expires September 15, 2025
 Bonded Thru Budget Notary Services

HEREBY CERTIFY THAT THE FOREGOING DOCUMENT IS A TRUE AND CORRECT COPY OF THE ORIGINAL



 CLERK
 MARION COUNTY CODE ENFORCEMENT





GREGORY C HARRELL CLERK & COMP TROLLER MARION CO
DATE: 11/03/2023 04:22:20 PM
FILE #: 2023142397 OR BK 8184 PG 598
REC FEES: \$10.00 INDEX FEES: \$0.00
DDS: \$0 MDS: \$0 INT: \$0

**FINAL ADMINISTRATIVE ORDER OF
THE MARION COUNTY CODE ENFORCEMENT BOARD**

This cause having come before the Code Enforcement Board of Marion County, Florida on **September 13, 2023**, on the petition of Marion County for an Order imposing a fine in Case Number **914853** and the Board having considered the Affidavit of Continuing Violation filed therein, it is hereby found and ordered that:

1. The violation(s) of **Marion County Code, Chapter 16, Article III, Section 16-92; Accumulation of junk; unserviceable vehicles**, on real property located at **COUNTRY GAITE, BLK A LOT 7, ALONG SW 105TH PL, OCALA, Parcel No. 35301-001-07**, Marion County, Florida, was (were) not brought into compliance on or before **August 31, 2023**, as required by the previous Order of this Board dated **August 15, 2023**.
2. In accord with the previous Order of this Board which is incorporated herein by reference, there is hereby imposed upon **JOHN KLEER**, a fine in the amount of **fifty dollars (\$50.00) per day, beginning September 1, 2023**, for each day the violation(s) continue(s) past the date set for compliance, which shall continue to accrue daily unless and until the violation(s) is (are) cleared or until extinguished by law. Upon recordation the fine has reached its maximum amount and the amount of the Code Enforcement lien is **three thousand dollars (\$3,000.00)**. The collection agency fee and administrative costs will also be added to the total payoff amount and the lien will be reported to credit bureaus.
3. The violator(s) shall notify the Code Inspector in writing immediately when the violation(s) has (have) been brought into compliance. **IT IS THE RESPONSIBILITY OF THE RESPONDENT(S) TO NOTIFY CODE ENFORCEMENT AT (352) 671-8900, ON OR BEFORE THE COMPLIANCE DATE TO DEMONSTRATE TO MARION COUNTY'S SATISFACTION THAT THE VIOLATION(S) HAVE BEEN CORRECTED.**
4. The violator(s) has (have) the right to file a petition for writ of certiorari to the Circuit Court to appeal the decision of the Board. An appeal must be filed with the Circuit Court within thirty (30) days of the date of this Order. Section 162.11, Florida Statutes, provides as follows:
162.11 Appeals - An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within 30 days of the execution of the order to be appealed.
5. Failure to comply with this Order within the specific times set forth above will result in the recordation of this Order in the Public Records. This order shall be a lien against any non-homestead real property or personal property now owned by the violator, and any non-homestead real property or personal property which violator may own in the future, until the satisfaction of this order. Such lien may be foreclosed and the property sold to enforce such lien. If such lien is filed, you will be assessed all cost incurred in recording and satisfying this lien.

The holder of this order and the lien hereunder is the Marion County Board of County Commissioners, with the address of 601 SE 25th Avenue, Ocala, FL 34471.

DONE AND ORDERED by the Code Enforcement Board of Marion County, Florida, this 15 day of **September, 2023**.

**MARION COUNTY
CODE ENFORCEMENT BOARD**

By: F. Joe Krim Jr.
F. Joe Krim Jr., Chairperson

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Order has been furnished to **JOHN KLEER, 1616 NW 56TH AVE, LAUDERHILL, FL 33313-5457** by certified mail # **7021 0950 0000 8622 5661**; **MTG: N R L L EAST LLC, 1 MAUCHLY, IRVINE, CA 92618** by certified mail # **7021 0950 0000 8622 5678** this 15 day of **September, 2023**.

I HEREBY CERTIFY THAT THE
FOREGOING DOCUMENT IS A
TRUE AND CORRECT COPY OF
THE ORIGINAL

Patricia Bennett
CLERK
MARION COUNTY CODE ENFORCEMENT



Molaman
Board Secretary