

CRAWFORD & BAXTER, P.S.C.

ATTORNEYS AT LAW
523 Highland Avenue
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Carrollton, Kentucky 41008

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June 29, 2020



Mr. Tommy Dees
904 Highland Avenue
Carrollton, Kentucky 41008

**RE: Nuisance Lien on Property located at 904 Highland Avenue, Carrollton,
Kentucky 41008**

Dear Mr. Dees:

Please find the enclosed Notice of Lien which has been filed against the property located at 904 Highland Avenue, Carrollton, Kentucky 41008. The total amount of the lien is \$9,975.00. This can be paid at the Carrollton City Hall located at 750 Clay Street, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday, or payment may be mailed to P.O. Box 156, Carrollton, Kentucky 41008.

If you dispute the validity of this debt, or any portion thereof, contact me within thirty (30) days of receipt of this letter, then I will obtain verification of the amount owed and forward it to you. If I do not hear from you within thirty (30) days of receipt of this letter, then I will assume that the debt is valid.

If you have any questions about this letter, then please contact John Welch, City of Carrollton Code Enforcement Officer at 502-732-7060.

Sincerely,

CRAWFORD & BAXTER, P.S.C.

Jake A. Thompson
Jake A. Thompson
Carrollton City Attorney

JAT/dmp
Enclosure
cc: Mr. John Welch

NOTICE OF LIEN

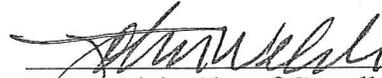
OWNER: TOMMY DEES (a/k/a RUSSEL T. DEES)
PROPERTY ADDRESS: 904 Highland Avenue, Carrollton, Kentucky 41008
TAX ID #: C3-04-14

Comes now the affiant, and after being duly sworn, states as follows:

Pursuant to KRS 65.8801 to 65.8839, Carrollton Ordinance § 35.151, and the attached non-appealable final order of the City of Carrollton's Code Enforcement and Nuisance Board, the City of Carrollton has a lien on the real estate located at 904 Highland Avenue, Carrollton, Kentucky 41008, for the fines, penalties, charges and fees imposed in the amount of nine thousand nine hundred seventy five dollars (\$9,975.00), and which continue to accrue until abated, which is superior to and has priority over all other liens on the property, except state, county, school board and city taxes.

By law, the City Attorney may foreclose on this lien in the same manner as mortgage liens are foreclosed.

Further the affiant sayeth naught.



John Welch, City of Carrollton
Code Enforcement Officer

STATE OF KENTUCKY)
COUNTY OF CARROLL)

Subscribed and sworn to before me by John Welch, City of Carrollton Code Enforcement Officer, on this the 25th day of June, 2020

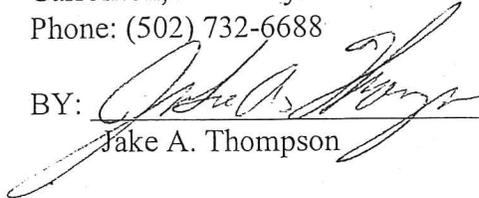
My commission expires: August 3, 2023



NOTARY PUBLIC, KY., STATE AT LARGE
ID# 6255866

THIS INSTRUMENT PREPARED BY:

CRAWFORD & BAXTER, P.S.C.
ATTORNEYS AT LAW
P.O. Box 353
Carrollton, Kentucky 41008
Phone: (502) 732-6688

BY: 

Jake A. Thompson

CARROLLTON

Established 1838 / Carroll Co., Ky

Department of Code Enforcement

PERMITS & INSPECTIONS

BOARDS & COMMISSIONS

FLOODPLAIN MANAGEMENT

CARROLLTON CODE ENFORCEMENT BOARD

FINAL ORDER

2019

FINAL ORDER ISSUED 02-18-19

CITATION INFORMATION

ISSUANCE DATE: 02-11-19

CIVIL CITATION# CEB CC 021119 N-PMC, I & B

ISSUED TO: TOMMY DEES
PRINT NAME

904 HIGHLAND AVE., CARROLLTON, KY 41008
ADDRESS

PHYSICAL ADDRESS OF VIOLATION: 904 HIGHLAND AVE., CARROLLTON, KY 41008

Pursuant to Carrollton Ordinance 35.147 and KRS 65.8801 through KRS 65.8840, due to the alleged violator's failure to contest the Citation within seven (7) days after receipt or to appear at the time and place set for the hearing, if requested, the citation, as issued on pages 1 and 2 of this Citation shall be and is hereby final and nonappealable.

The civil fine for an uncontested citation as set forth on pages 1 and 2 of this Citation shall be and are hereby imposed.

ORDER - CERTIFICATION

The undersigned hereby certifies that on _____ a copy of this Final Order was served upon the person to whom the Citation was issued by one or a combination of the following methods: (1) Regular first-class mail; (2) Certified mail, return receipt requested; (3) Personal delivery; or (4) Leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

TOTAL WELCH
(Printed Name of Code Enforcement Officer)

[Signature]
(Signature)

02-18-19
(Date)

CARROLLTON

Established 1838 / Carroll Co., Ky

Department of Code Enforcement

PERMITS & INSPECTIONS

BOARDS & COMMISSIONS

FLOODPLAIN MANAGEMENT

CITY OF CARROLLTON CODE ENFORCEMENT

CIVIL CITATION

2019

SECTION 1 REASON FOR CITATION • VIOLATION INFORMATION • CIVIL FINE

ISSUANCE DATE: 02-11-19

CIVIL CITATION# CEB CC 021119 PMC, N-I & B

ISSUED TO: TOMMY DEES
PRINT NAME

904 HIGHLAND AVE., CARROLLTON, KY 41008
ADDRESS

PHYSICAL ADDRESS OF VIOLATION: 904 HIGHLAND AVE., CARROLLTON, KY 41008

This citation is issued for nuisance or other code violation(s) found on your property.

The undersigned Code Enforcement Officer of the City of Carrollton certifies that, based upon his or her personal observation or investigation, he or she has reason to believe and has determined that the above named person has, by either act or omission, caused, conspired, permitted, promoted, allowed, aided, assisted, encouraged or engaged in the occurrence of the following violation(s):

TIME OF THE OFFENSE:

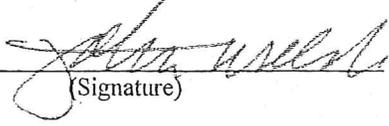
<u>14TH</u>	<u>JAN.</u>	<u>2019</u>	<u>1:30 PM-</u>
DAY OF WEEK	MONTH	YEAR	TIME

ORDINANCE SECTIONS: §92.03 CERTAIN CONDITIONS DECLARED A NUISNACE

DESCRIPTION OF VIOLATION(S):
ITEM-I JUNK SCRAP METAL; INOPERABLE MOTOR VEHICLES
ITEM B-RUBBISH & MISC. DEBRIS
CHAPTER 154 PROPERTY MAINTENANCE CODE
SEE FINDINGS BELOW.

CIVIL FINES: The issuance of this citation begins the accrual of civil fines for the violation(s) as set forth in Section 2.

JOHN WELCH
(Printed Name of Code Enforcement Officer)


(Signature)

02-11-19
(Date)

SECTION 2

OPTIONS TO RESPOND TO THE CITATION • AMOUNT OF CIVIL FINES

Carrollton Ordinance 35.147 requires you to respond to this Citation within 7 days after receipt of a copy of the Citation by either of the two following options:

OPTION #1

CONSENT • FINDINGS • REMEDY • CONCLUSIONS • FINE

Note that the violations as listed below carry civil fines for each day they continue. Those fines begin on the issuance date of this citation and will continue to be accrued until the violation is resolved either by the owner or by city abatement.

Compliance Timeframe:

The owner is given 60 days from the issuance date of this citation to resolve all violations (**deadline of April 12th, 2019**). When the owner completes resolution of part or all of the violations listed below he will need to call Carrollton Code Enforcement to make them aware so fines can be ceased. Although the violation is resolved the violator will still be responsible for any fines accrued up to that resolution. Those fines can be paid at Carrollton City Hall located at 750 Clay Street in Carrollton.

Extensions:

The owner can, due to weather or unforeseen circumstances request an extension of that 60 day timeframe. The request must be made to the board at their regularly scheduled meeting (second and fourth Mondays of the month at 3:00 PM Carrollton City Hall).

Additional Action:

If the violations in part or in whole are not resolved by the deadline date and no reasonable extension has been granted the Code Enforcement Board will request City Council approval for city abatement. The board shall also at this time ask the city attorney to issue a lien on the property in the amount of any accrued fines. If the city abates the property the cost of that abatement shall also be applied to the property as an additional lien.

CONSENT:

Exterior inspection, public view.

FINDINGS OF OFFICER

The following violations were found upon the subject property during an exterior inspection on January 14th, 2019.

In regards to the West side of the house

Note that these items in particular are a holdover to the original work on the house a year or so ago. CCE as well as the board would like to see these items given priority to be resolved as they continue to have a negative impact on the neighboring property.

• **PMC Property Maintenance Code**

The west side of the house has several unfit conditions which need attention. Those items are as follows:

1. Missing window trim
2. Completion of the side porch renovation. Unfinished porch and supports and foundation.
3. Roof repair including cleanout of gutters and needed repairs
4. Painting to match front facade.

In regards to Item I: *RESOLVED*

- **Nuisance Item(I) Junk; scrap metal; motor vehicles.** The storage of motor vehicles in an inoperative condition, motor vehicles unfit for further use, automobile parts, or scrap metal within the city limits except on premises authorized by the city for such purposes.

Note that it is understood that the garage which is presently being finished will ultimately house the car, the equipment etc. but until then those items are being stored in the rear yard and on the east side of the house, out in public view which is a violation.

In regards to Item B: *RESOLVED*

- **Nuisance Item (B) Rubbish and Misc. Debris.**

This is for the misc. materials that are presently being stored out in public view.

Again these materials are to be stored inside the garage, but until then are in violation when in public view.

REQUIREMENT(S) TO REMEDY THE VIOLATION(S):

The following must be done by the owner to remedy the violations.

In regards to the West side of the house:

Finish work necessary to complete alterations to the side porch including the foundation, doorway, porch, columns and roof work (including gutter and downspouts) to complete the porch deck renovation.
Complete necessary repairs to west wall siding including the reinstallation of all window trim.
Prep and paint west wall siding, trim etc. to protect those surfaces from weather and to match the front of the house.
Complete any grading and grass needed on the west side of the house.

In regards to Item I:

Clear and store away out of public view any inop cars, equipment, tires, boats etc. which are presently in view on the east yard and rear yard.

In regards to Item B:

Clear away any debris and store any materials out of public view.

CIVIL FINE FOR UNCONTESTED CITATION:

In regards to Property Maintenance Code (PMC) \$25.00 per day for each day the violation continues.

In regards to Item B: \$25.00 per day for each day the violation continues.

In regards to Item I: \$25.00 per day for each day the violation continues.

TOTAL FINE FOR EACH DAY \$75.00 per day

OR

OPTION #2

REQUEST FOR HEARING • DUE PROCESS HEARING • CONTESTED CIVIL FINE

Submit the attached "Request for Hearing" form to the City Clerk at Carrollton City Hall located at 750 Clay Street in Carrollton, within seven days of the issuance date of this citation or a deadline of. Submittal of the request will indicate that you wish to contest the validity of the citation by requesting a hearing before the Code Enforcement Board (CEB) Upon submitting the request for a hearing with the CEB you will be scheduled no earlier than seven days from that submittal date. You will be notified of that hearing date.

If this Citation is contested and the Board determines from the evidence presented at a due process hearing that the alleged violation(s) were committed by the person to whom this Citation was issued, the Board may assess and impose upon that person an amount less than the civil fine assessed in OPTION # 1, or any amount up to a maximum as set forth below:

MAXIMUM CIVIL FINE FOR CONTESTED CITATION:

In regards to Property Maintenance Code (PMC) \$50.00 per day for each day the violation continues.

In regards to Item B: \$50.00 per day for each day the violation continues.

In regards to Item I: \$50.00 per day for each day the violation continues.

TOTAL FINE FOR EACH DAY \$150.00 per day

continues plus the costs to the City for any abatement of violations, plus the costs of collection, including, without limitation, recording fees, court costs and attorney fees, if any.

SECTION 3

FAILURE TO RESPOND • WAIVED RIGHT TO HEARING • FINAL ORDER ISSUED

If the person to whom this Citation is issued fails to respond in 7 days after receipt of a copy of it by following through with either of the two options as described above, then the determination that the violation(s) described on page 1 hereof were committed by that person shall become final, this citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in this citation, and you shall be deemed to have waived the right to appeal the final order to District Court.

KRS 65.8835 provides that the City shall possess a lien on that property for all of the fines, charges, abatement costs and fees assessed for those violations.

KRS 65.8831 provides for an appeal from the determination of the Board through the filing of a complaint and a copy of the Board's Final Order in the District Court for Carroll County, Kentucky, within thirty (30) days after the Board's determination.

CERTIFICATION

The undersigned hereby certifies that on 02-11-19 a copy of this Citation was served upon the person to whom the Citation was issued by one or a combination of the following methods: (1) Personal service to the alleged violator; (2) Leaving a copy of the citation with any person eighteen (18) years of age or older, who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or (3) Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.

JOHN WELCH
(Printed Name of Code Enforcement Officer)

[Signature]
(Signature)

02-11-19
(Date)

CARROLLTON CODE ENFORCEMENT BOARD
FINAL ORDER

CITATION INFORMATION

ISSUANCE DATE: 02-11-19

CIVIL CITATION# CEB CC 021119 N-PMC, I & B

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(Printed Name of Code Enforcement Officer)

(Signature)

(Date)