

190348

CITY v. BONABY, JOHN
SM 2016-034 / CE-16-00230
441 NW 6TH PL / Tax Parcel No. 14448-000-000

Release of Lien Request

September 12, 2019

CHRONOLOGY

Notice of Violation:	<u>January 25, 2016</u>
Description of Violation:	<u>16-17(4) Definition - Dangerous Building - Dilapidated/decayed/unsafe Etc.</u>
SM Order (signed):	<u>April 21, 2016</u>
SM Date Given to Comply:	<u>May 1, 2016</u>
Affidavit of Non-Compliance inspection date:	<u>May 4, 2016</u>
Lien Recorded on:	<u>August 9, 2016,</u> <u>Book 4452 Page 1037</u>
Date Fine was issued:	<u>May 2, 2016</u>
Accumulated Fine	\$123,200 (1232 days @ \$100.00) as of September 12, 2019
Assessed Costs:	<u>\$ 94.40 (Paid)</u>

Alachua County Tax Collector Information:

- Assessed Value:	\$ 8,690.00
- Taxes Due and Owing:	\$ 1,022.36
- Homestead:	None

REQUEST FOR REDUCTION/RESCISSION OF FINE & COSTS

Date: 9/6/19

Case Number: SM 2016-034/CE-16-00230

Property Address: **441 NW 6TH PL**, Gainesville, Florida; Tax Parcel **14448-000-000**

1. I, Lo Bonaby (property owner/interested party) hereby request to be placed on the **September 12, 2019** Agenda for a request for reduction or rescission of the fine and costs against property that I own or have interest in.
2. I hereby release the City of Gainesville and the Municipal Code Enforcement Special Magistrate from any liability regarding this matter.
3. I understand that the property is in compliance as of the September 12, 2019 agenda.
4. The reason that the property was not in compliance was numerous difficulties with unreliable contractors and third parties, hardships including the loss of key family members such as my grandfather and Father in Law during the pregnancy and birth of a son, along with the inherent complexities involved with satisfying the requirements of the local Historic Preservation Board as it relates to major character elements on the property like special wood windows and doors, which prove not only difficult to locate, find and have installed but can be in many cases cost prohibitive.
Additionally, one must acknowledge slight negligence on our parts but I feel that it has been an unintended oversight that was the result of (use back if necessary) →

Signature

408 West University Ave

Address

Gainesville, FL 32601

City, State Zip

(786) 859-1242 / (802) 962-0978

Phone Number

① NJB728@gmail.com / ② open.ops.team@gmail.com

email

Fax to (352) 334-2239 or

Mail to: Clerk for the Code Enforcement Special Magistrate, 306 NE 6th Avenue, Sta. 10A, Gainesville, FL 32602 or Email to: codes@gru.com

stress and an overall feeling of being overwhelmed.

Since the beginning of this year, there has seemingly been a bit of light at the end of the tunnel and we have been able to focus on resolve. Members of the family have chipped in to help with the resolution of some abandoned vehicles that littered the property. It was here that we were able to speak firsthand with the code officers that have proven instrumental in advising us with suggestions for getting our ducks in a row.

We are confident that the property is no longer a dangerous building and we believe it is a valuable contribution to the neighborhood and it's historic origins. On the other hand, there is still work to be done such as adding back the suitable windows and doors which will require raising more capital that we just can't seem to do with the existing lien and associated fees burdening the property at this time. Please rescind these fees so we may be able to see this beautiful project through it's completion and realize the true potential and outcome of the community teamwork it takes to restore a neighborhood! Thank You.

CITY OF GAINESVILLE CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF GAINESVILLE
P.O. BOX 490
GAINESVILLE, FLORIDA

PETITIONER,

SM CASE NO: SM 2016-034

CE CASE NO: CE-16-00230

BONABY, JOHN

RESPONDENT,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF ALACHUA

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED TODD MARTIN, CODE ENFORCEMENT OFFICER FOR THE CITY OF GAINESVILLE, FLORIDA, WHO, AFTER BEING DULY SWORN, DEPOSES AND SAYS:

1. THAT ON **04/14/2016**, THE CODE ENFORCEMENT SPECIAL MAGISTRATE HELD A PUBLIC HEARING AND EXECUTED ITS ORDER ON **BONABY, JOHN** IN THE ABOVE-STYLED MATTER.
2. THAT, PURSUANT TO SAID ORDER, RESPONDENT WAS TO HAVE TAKEN CERTAIN CORRECTIVE ACTION BY OR BEFORE **05/01/2016**.
3. THAT RE-INSPECTION WAS PERFORMED ON .5/4/2016
4. THAT THE RE-INSPECTION AT **00441 NW 6TH PL, GAINESVILLE, FL, TAX PARCEL NUMBER 14448000000** REVEALED THAT THE CORRECTIVE ACTION ORDERED BY THE CODE ENFORCEMENT SPECIAL MAGISTRATE HAS NOT BEEN TAKEN IN THAT THE PROPERTY IS NOT IN COMPLIANCE.

FURTHER AFFIANT SAYETH NOT.

DATED THIS 4, DAY OF May, 20 16.


Todd Martin
CODE ENFORCEMENT OFFICER

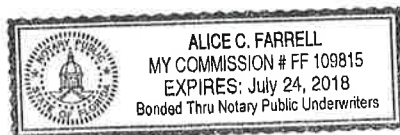
STATE OF FLORIDA
COUNTY OF ALACHUA

I HEREBY CERTIFY, THAT ON THE 4th, DAY OF May, 20 16, BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED TODD MARTIN, KNOWN TO ME TO BE THE PERSON(S) DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND SEVERALLY ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS/HER FREE ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED.

WITNESS MY HAND AND OFFICIAL SEAL THE DATE AFORESAID.



NOTARY PUBLIC
MY COMMISSION EXPIRES:



CITY OF GAINESVILLE SPECIAL MAGISTRATE

CITY OF GAINESVILLE,
Petitioner,

SM NO.: 2016-034
CE NO.: 16-00230

VS.

BONABY, JOHN
Respondent.

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 3009641 2 PGS.
August 09, 2016 11:20 14 AM
Book 4452 Page 1037
J. K. IRBY, Clerk Of Circuit Court
ALACHUA COUNTY, Florida



ORDER IMPOSING FINE AND COSTS

THIS CAUSE, having come for Public Hearing before the Special Magistrate on April 14, 2016, after due notice to Respondent, JOHN BONABY, the Magistrate issues its Order Imposing Fine and Costs as follows:

It is ORDERED that:

1. That Respondent JOHN BONABY is found GUILTY of violating 16-19 of the Gainesville Code of Ordinances existing at 441 NW 6TH PL, also known as Alachua County, Florida, Tax Parcel 14448-000-000.

2. Respondent shall have 10-days from the date of the issuance of this Order to correct said violations and to come into compliance with the Code of Ordinance.

3. Should Respondent fail to comply with the Order by said date, then in that event, Respondent shall pay a fine of \$100.00 per day for each and every day said violations continue to exist at the above address past the time set by the Magistrate.

4. Should the Respondent fail come into compliance within the 10-days allotted, costs for prosecuting this case in the amount of \$94.40 shall be payable by the Respondent to the Petitioner.

If not complied with, this Order shall constitute a lien against Tax Parcel 14448-000-000, also known as 441 NW 6TH PL, and any and all real or personal property owned by JOHN BONABY pursuant to Sec. 162.09, F.S., and may be recorded in Public Records of Alachua County.

DONE AND ORDERED this 21st day of, April 2016, at Gainesville, Florida.

ATTEST:

Kelly L. Lofland
Clerk to the Special Magistrate

SPECIAL MAGISTRATE

By: Jefferson M. Braswell
Jefferson M. Braswell, Special Magistrate

Return to:
City of Gainesville
Code Enforcement Division
PO Box 490, Station 10A
Gainesville, FL 32627-0490

GAINESVILLE CODE ENFORCEMENT BOARD
CERTIFIED COPY
BY Connie Farrell
Clerk Of The Code Enforcement Board
DATE: 8/9/16

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above Order has been sent to Respondent, JOHN BONABY 408 W UNIVERSITY AVE #PH206 GAINESVILLE, FL 32601 by U.S. Mail, this 26 day of, April 2016

Kelly Holland
Clerk to the Special Magistrate

CITY OF GAINESVILLE SPECIAL MAGISTRATE

CITY OF GAINESVILLE,

Petitioner,

SM NO.: 2016-034

CE NO.: 16-00230

vs.

BONABY, JOHN

Respondent,

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE, having come for Public Hearing before the Special Magistrate on April 14, 2016, after due notice to the Respondent, and the Magistrate having heard testimony under oath, received evidence and heard argument, the Magistrate issues its Findings of Fact, Conclusions of Law and Order as follows:

FINDINGS OF FACT

1. That the Respondent, JOHN BONABY owns that certain property located 441 NW 6TH PL, also known as Alachua County, Florida, Tax Parcel 14448-000-000.

2. That on January 25, 2016 an inspection of said property by a Code Inspector of the City of Gainesville revealed that Respondent was found to be violating; **Sec.16-19**, of the Gainesville Code of Ordinance, which consist of dangerous dilapidate unsafe structures; That re-inspection, made on March 16, 2016, confirmed the condition as being the same.

3. The Respondent received notice by certified mail, sent by regular mail and posted property and City Hall on January 25, 2016, that the aforesaid condition constituted a violation of the Gainesville Code of Ordinances, and was to be corrected by February 28, 2016, but that the correction has not been made.

4. The Petitioner incurred costs in prosecuting this case in the amount of \$94.40

CONCLUSIONS OF LAW

5. This Board has jurisdiction over this matter pursuant to Chapter 162, Florida Statutes, and Section 2-377, Gainesville Code of Ordinances.

6. The Respondent JOHN BONABY by reason of the foregoing is in violation of the Gainesville Code of Ordinances:

Sec. 16-19. Creating, keeping, maintaining, allowing the existence of dangerous buildings or hazardous lands unlawful.

It shall be unlawful for any owner of real property within the city to create, keep, maintain, or allow the existence of any dangerous building or hazardous land, as defined in this article, in or on such real property.

Definition - Dangerous Building - Section 16-17(4) Those which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to the decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, safety or general welfare of those living therein.
House is unfit and is gutted.

7. The Petitioner is entitled to recover from the Respondent costs incurred in the prosecution of this case in the amount \$94.40.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is ORDERED:

1. That Respondent JOHN BONABY is found GUILTY of violating 16-19 of the Gainesville Code of Ordinances existing at 441 NW 6TH PL, also known as Alachua County, Florida, Tax Parcel 14448-000-000.

2. That Respondent shall have 10-days from the date of the issuance of this Order to correct the violation and to come into compliance with the Code of Ordinances of the City of Gainesville and to pay the administrative cost of \$94.90. If not in compliance within 10-days from the date of the signing of this Order, a daily fine of \$100.00 per day will accrue until compliance is met and the administrative cost of \$94.90 will still be owed.

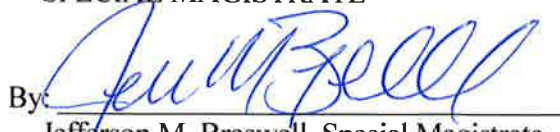
3. **That upon complying, Respondent shall notify the Code Inspector and request a re-inspection of the property to verify that said compliance was met.**

DONE AND ORDERED this 21st day of April, 2016, at Gainesville, Florida.

ATTEST:

SPECIAL MAGISTRATE


Clerk to the Special Magistrate

By: 
Jefferson M. Braswell, Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above Order has been sent to Respondent, JOHN BONABY 408 W UNIVERSITY AVE #PH206 GAINESVILLE, FL 32601 by U.S. Mail, this 21st day of April, 2016


Clerk to the Special Magistrate



2018 Roll Details — Real Estate Account At 441 NW 6TH PL

Real Estate Account #14448 000 000

Parcel details

Latest bill

View/Print full bill history

Print this page

Pay All: \$1,022.36

2018	2017	2016	2015	...	2002
\$608.03 due	\$414.33 due	PAID	PAID		PAID

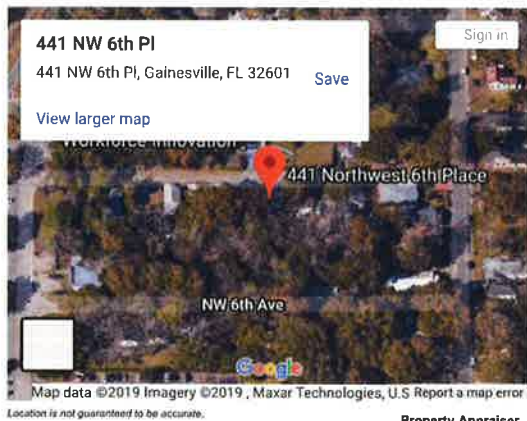
Get Bills by Email

Pay this bill: \$608.03

Owner: BONABY, JOHN
 408 WEST UNIVERSITY AVE #PH206
 GAINESVILLE, FL 32601
 Situs: 441 NW 6TH PL

Account number: 14448 000 000
 Alternate Key: 1085819
 Millage code: 3600
 Millage rate: 21.7808

Assessed value: 8,690
 School assessed value: 35,300
 Unimproved land value: 29,400



Property Appraiser

2018 Annual bill

View

Ad valorem: \$382.56
 Non-ad valorem: \$116.45
 Total Discountable: 499.01
 No Discount NAVA: 0.00
 Total tax: \$499.01

Legal description

BRUSH ADDN DB O-218 BK 26 PLAT IN N 1/2 OF BK 26 PB A-88 LOT 9 LESS W 2 FT) OR 4382/1644
 Location

Book, page, Item: 4382-1644-
 Geo number: 05-10-20-14448000000
 Range: 20
 Township: 10
 Section: 05
 Neighborhood: 145405.02
 Use code: 00700
 Total acres: 0.150

Certificate #3821

This parcel has an issued certificate for 2018.

Advertised number: 4493
 Face amount: \$573.12
 Issued date: 06/01/2019
 Expiration date: 06/01/2026
 Buyer: Bidder number 3607255
 CITRUS CAPITAL HOLDINGS, LLC
 CITRUS CAPITAL HOLDINGS FBO SEC PTY
 PO BOX 54226
 NEW ORLEANS, LA 70154-4226
 Interest rate: 8.75%





Bill History — Real Estate Account At 441 NW 6TH PL

Real Estate Account #14448 000 000

Parcel details

Latest bill

View/Print full bill history

Print this page

Get Bills by Email

Pay all: \$1,022.36

Amounts as of 08/22/2019

Bill	Balance	Status	Action
2018 Annual Bill	\$608.03		<div>Pay this bill: \$608.03</div> <div> Print (PDF)</div>
Issued certificate #3821	Face \$573.12 Rate 8.75%	06/01/2019 Certificate issued 05/03/2019 Advertisement file created	
2017 Annual Bill	\$414.33		<div>Pay this bill: \$414.33</div> <div> Print (PDF)</div>
Issued certificate #3825	Face \$347.30 Rate 14%	06/01/2018 Certificate issued 05/01/2018 Advertisement file created	
2016 Annual Bill	\$0.00	11/09/2016 Paid \$264.92 Receipt #16-0009070	Print (PDF)
2015 Annual Bill	\$0.00	11/09/2016 Paid \$344.17 Receipt #16-0009070	Print (PDF)
Redeemed certificate #4335	Face \$310.37 Rate 17.75%	11/09/2016 Certificate redeemed 06/01/2016 Certificate issued 05/04/2016 Advertisement file created	
2014 Annual Bill	\$0.00	11/29/2014 Paid \$248.07 Receipt #14-0035773	Print (PDF)
2013 Annual Bill	\$0.00	11/26/2013 Paid \$240.67 Receipt #13-0030336	Print (PDF)
2012 Annual Bill	\$0.00	03/27/2013 Paid \$240.87 Receipt #12-0111890	Print (PDF)
2011 Annual Bill	\$0.00	03/28/2012 Paid \$237.07 Receipt #2011-3031563	Print (PDF)
2010 Annual Bill	\$0.00	03/21/2011 Paid \$229.65 Receipt #2010-3029870	Print (PDF)
2009 Annual Bill	\$0.00	12/02/2009 Paid \$93.58 Receipt #2009-1016681 Effective 11/30/2009	Print (PDF)
2008 Annual Bill	\$0.00	11/07/2008 Paid \$86.62 Receipt #2008-9002064	Print (PDF)
2007 Annual Bill	\$0.00	12/03/2007 Paid \$85.83 Receipt #2007-9029496 Effective 11/30/2007	Print (PDF)
2006 Annual Bill	\$0.00	04/09/2007 Paid \$93.03 Receipt #2006-6018548 Effective 03/30/2007	Print (PDF)
2005 Annual Bill	\$0.00	05/17/2006 Paid \$98.53 Receipt #2005-5023527 Effective 05/18/2006	Print (PDF)
2004 Annual Bill	\$0.00	05/17/2006 Paid \$123.81 Receipt #2005-5023527 Effective 05/18/2006	Print (PDF)
Redeemed certificate #3645	Face \$103.12 Rate 14%	05/17/2006 Certificate redeemed 05/26/2005 Certificate issued 05/01/2005 Advertisement file created	
2003 Annual Bill	\$0.00	05/05/2004 Paid \$543.57 Receipt #2003-3076612	Print (PDF)
2002 Annual Bill	\$0.00	06/16/2003 Paid \$24.24 Receipt #2002-0277079	Print (PDF)
Redeemed certificate #4115	Face \$17.13 Rate 18%	06/16/2003 Certificate redeemed 05/29/2003 Certificate issued 05/01/2003 Advertisement file created	
Total Balance	\$1,022.36		<div>Pay all: \$1,022.36</div>



Parcel: 14448-000-000**Search Date: 8/22/2019 at 12:21:24 PM**

Taxpayer:	BONABY JOHN	Legal:	BRUSH ADDN DB O-218 BK 26 PLAT IN N 1/2 OF BK 26 PB A-88 LOT 9 LESS W 2 FT) OR 4382/1644
Mailing:	408 W UNIVERSITY AVE #206D GAINESVILLE, FL 32601		
Location:	441 NW 6TH PL GAINESVILLE		
Sec-Twn-Rng:	05-10-20		
Property Use:	00700 - MISC. RESIDENCE		
Tax Jurisdiction:	GAINESVILLE - 3600		
Area:	PLEASANT ST AREA		
Subdivision:	BRUSH ADDN TO GVILLE BLK 26		

2019 TRIM Values

	Property/TH>	Land	Classified	Improvement	Total	Deferred	County	School	County	School	County	School
Year	Use	Value	Land Value	Value	Just Value	Value	Assessed	Assessed	Exempt	Exempt	Taxable	Taxable
2019	MISC. RESIDENCE	29403	0	5870	35273	25714	9559	35273	0	0	9559	35273

	Property	Land	Classified	Improvement	Total	Deferred	County	School	County	School	County	School
Year	Use	Value	Land Value	Value	Just Value	Value	Assessed	Assessed	Exempt	Exempt	Taxable	Taxable
2018	MISC. RESIDENCE	29400	0	5900	35300	26610	8690	35300	0	0	8690	35300
2017	Misc. Residence	2000	0	5900	7900	0	7900	7900	0	0	7900	7900
2016	Misc. Residence	2000	0	5900	7900	0	7900	7900	0	0	7900	7900
2015	Single Family	2000	0	5900	7900	1030	6870	7900	0	1030	6870	6870
2014	Single Family	2000	0	5900	7900	1650	6250	7900	0	1650	6250	6250

Land

Land Use	Land Use Desc	Zoning Type	Zoning Desc	Lots	Acres	Sq Feet
0700	MISC RESIDENCE	RC	RESIDENTIAL CONSERVATION	1	0.15	6534

Improvements

Improvement Type	Improvement Desc	Actual Year Built	Effective Year Built	Htd Square Feet	Stories
SOHM	SOH MISC				

Improvement Details

Imprv Detail Type	Description	SqFt/Unit	Quality	Qual Desc	Bldg Use	BUSE Desc
1321	HOUSE SAL	1			R2	RES
0958	FP 1	1			R7	RES

Improvement Attributes**Sales**

Date	Price	Vac/Imp	Qualified	OR Book	OR Page	Instrument
2015-10-01	45000	No	03-Qualified, Physical Chg	4382	1644	WD
2006-05-17	22000	No	Q-OLD SALE - QUALIFIED	3375	441	WD
2006-04-28	11000	No	Q-OLD SALE - QUALIFIED	3375	440	WD
1989-10-09	100	No	U-OLD SALE - UNQUALIFIED	1750	1511	QD
1984-05-01	7000	No	U-OLD SALE - UNQUALIFIED	1564	2999	DD
1982-07-01	0	No	U-OLD SALE - UNQUALIFIED	1424	74	WD
1982-07-01	0	No	U-OLD SALE - UNQUALIFIED	1424	72	WD

315
11
This instrument prepared by:
Raymond M. Ivey, Esquire
SCRUGGS & CARMICHAEL, P.A.
4041-B Northwest 37 Place
Gainesville, Florida 32606
(Statutory Form §689.02 F.S.)
15-1634 BONABY

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2953318 1 PG(S)
October 01, 2015 04:25:37 PM
Book 4382 Page 1644
J. K. IRBY, Clerk Of Circuit Court
ALACHUA COUNTY, Florida

Doc Stamp-Deed: \$315.00



THIS WARRANTY DEED, made and entered into
on this 1st day of **October, 2015**, by and between

**HISTORIC PROPERTIES OF GAINESVILLE, LLC, a Florida limited liability
company**

whose address is **4614 19TH ST COURT EAST, Bradenton, FL 34203**
hereinafter called Grantor*, and

JOHN BONABY

whose address is **408 WEST UNIVERSITY AVENUE, PH206, Gainesville, FL 32601**
hereinafter called Grantee(s)*

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and
other valuable consideration to said Grantor in hand paid by said Grantee(s), the receipt whereof is hereby
acknowledged, has granted, bargained and sold to the said Grantee(s), the following described land, situated, lying and
being in Alachua County, Florida, to-wit:

**LOT 9, Less the West 2 feet thereof of the Northern Subdivision of Block 26
of BRUSH'S ADDN TO GAINESVILLE, according to the plat thereof
recorded in Plat Book "A", Page 88 of the Public Records of Alachua
County, Florida;**

Parcel Identification Number: 14448-000-000



**SUBJECT TO easements and restrictions of record, if any;
SUBJECT TO Taxes for 2015 and all subsequent years;**

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise
appertaining.

AND said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful
claims of all persons whomsoever.

*(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and
assigns of individuals, and the successors and assigns of corporations)

IN WITNESS WHEREOF, the Grantor has executed this deed under seal on the day and year first above
written.


Witness Name: Thomas C Santilli

Witness Name: Linda D Ricker

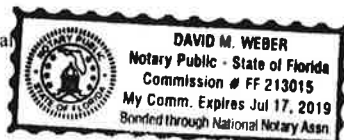
HISTORIC PROPERTIES OF GAINESVILLE, LLC

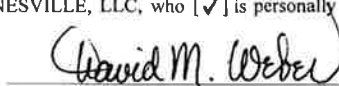
By: THOMAS C SANTILLI, Authorized Member

State of Florida
County of MANATEE

The foregoing Warranty Deed was acknowledged before me this 1st day of October, 2015 by THOMAS C SANTILLI,
Authorized Member of HISTORIC PROPERTIES OF GAINESVILLE, LLC, who [☒] is personally known or [☐] has
produced a driver's license as identification.

[Notary Seal]




Notary Public

Printed Name: DAVID M. WEBER

My Commission Expires: 7/17/19