NOTICE OF LIEN CLAIMED

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
CODE ENFORCEMENT LIEN AND AFFIDAVIT FOR A CIVIL PENALTY ON THE PROPERTY LOCATED AT

350 E SEVENTH ST

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT — CLAIMANT

VS.

DUSTIN BEATTY — OWNER(S)

ACTION TYPE: **CIVIL PENALTY - STRUCTURAL/HOUSING**
ACTION DATE: **11/03/2016**
ACTION COST: **$ 250.00**

CASE#: 16900350-3

COMES NOW, the undersigned Affiant, who is duly authorized to issue citations on behalf of the Lexington-Fayette Urban County Government's Division of Code Enforcement, and states the following:

1. That on or about the above "ACTION DATE", the Affiant, acting on behalf of the Lexington-Fayette Urban County Government ("LFUCG"), and pursuant to Kentucky Revised Statute (KRS) 65.8838(6) and Chapter 12 of the Code of Ordinances, Lexington-Fayette Urban County Government (the "Code"), issued a civil penalty in the amount of the above "ACTION COST", which includes any applicable administrative fee and/or cost of legal advertisement, against the OWNER(s) for the condition of real property located at

350 E SEVENTH ST

(the "Property");

2. That: (a) at all relevant times the OWNER(s) was in violation of certain provisions of the Code due to certain condition(s) on the real property; (b) the OWNER(s) was provided the required legal notice of such violation(s) in accordance with the applicable law, but failed to timely and/or satisfactorily abate and/or correct or repair them or did not otherwise comply with the requirements of the Code such that the issuance of this civil penalty was appropriate; (c) the OWNER(s) either failed to exercise his or her right to an administrative hearing as provided under the Code to contest the violations(s), or appealed said violation(s) to an administrative hearing officer, who entered an order upholding this civil penalty; and (d) this lien is consistent with the provisions of any Administrative Hearing Order that may have been issued in this matter;

3. That a lien on the Property in the principal amount of the ACTION COST is hereby noticed, asserted, and confirmed as provided in the aforementioned laws;

4. That pursuant to KRS 65.8835(1)(c) and KRS 65.8838(8), ***this lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes***;

HOLD

5. That pursuant to KRS 360.010, this lien shall accrue interest at the rate of eight percent (8%) per annum from the date of recordation; and

6. That the OWNER(s) shall also be responsible for any costs or expenses incurred by the LFUCG in recording or releasing this lien plus court costs, if any, for collection until paid.

BY: _____
JAMES A FAWCETT
CODE ENFORCEMENT OFFICER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by James Fawcett, a Code Enforcement Officer with the Division of Code Enforcement, Lexington-Fayette Urban County Government, for and on behalf of the Government, on this the 27th day of March, 2017.

My commission expires: 2-9-20

_____
Notary Public
Kentucky, State-at-Large

REVIEWED BY:

_____
Kenneth Armstrong, Director of Code Enforcement
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT
101 E. Vine St., Suite 500
Lexington, Kentucky 40507
(859) 425-2255

CASE#: 16900350-3

Lexington-Fayette Urban County Government
DEPARTMENT OF PLANNING, PRESERVATION & DEVELOPMENT

Jim Gray
Mayor

Derek J. Paulsen, Ph.D.
Commissioner

DIVISION OF CODE ENFORCEMENT

11/03/2016

NOTICE OF VIOLATION AND ASSESSMENT OF CIVIL PENALTY

DUSTIN BEATTY
613 ELM TREE LN
LEXINGTON, KY 40508

CASE#: 16900350-3

On 07/29/2010, the property located at 350 E SEVENTH ST was placed under Notice and Order for necessary repairs or corrections pursuant to Chapter 12 of the Code of Ordinance, Lexington-Fayette Urban County Government (The "Code") and the International Property Maintenance Code/1998. On 10/25/2016, I conducted a re-inspection of the property and found that the cited repairs or corrections had not been completed. Our records indicate that we have conducted 6 re-inspections and there were 9 uncorrected violations. You have been provided a reasonable amount of time to complete the cited repairs.

The purpose of this letter is to further notify you of your continued failure to correct the violations and to assess against you a civil penalty in the amount of $750.00, pursuant to Section 12-1 (b) (PM-106.4.1) of the Code. You must pay this civil penalty or appeal this assessment in writing within twenty (20) days of the date of this notice. If you fail to do so, a civil penalty lien will be placed against the property in the amount of the civil penalty pursuant to KRS 82.720 and Chapter 12 of the Code. In order to remove the lien, the penalty plus all appropriate cost and interest must be paid.

Please pay the full amount of the civil penalty, or file an appeal in writing, to the Division of Code Enforcement, 101 E. Vine Street, Suite 500, Lexington, KY 40507. No appeals accepted via email. Please note that an appeal, in writing, must state the reason that the penalty should not be assessed. Please return a copy of this invoice with your payment to insure proper credit to your account. All checks should be made payable to the Lexington-Fayette Urban County Government and mailed to the following address:

Lexington-Fayette Urban County Government
Division of Revenue, 2nd floor
200 East Main St
Lexington, KY 40507

Please note that as long as you fail to correct or repair the violations, additional civil penalties may be assessed pursuant to Chapter 12 of the Code. All repairs/corrections must be completed in a 'workmanlike' manner. In the event all repairs are not completed by **12/07/2016**, an additional re-inspection of the property will take place, and additional civil penalties may be assessed against you, as appropriate. If you should have any questions, please contact:

J. G. Fawcett Date 11.3.16

JAMES A FAWCETT
CODE ENFORCEMENT OFFICER
(859) 576-3850

Paula Schweyland Date 11.3.16

CODE ENFORCEMENT SUPERVISOR

Cc: Department of Law

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