

Lexington Fayette Urban County Government
Administrative Hearing Board Finding of Fact Form and Final Order

Date of Hearing: 01/09/2019

Hearing Officer: GERALD ROSS

Case number: 250138

Address: 1581 FLORA GLEN WAY

Owner: 326 GROUP INC.

Present /Not Present

Person Representing Property Owner: _____

Kirk Griggs

Legal Standing: *Owner 326 Group Inc*

Issuance Date of Civil Penalty: 11/15/2018

Case Officer: COO-EE SHELBY

Housing with \$ _____ Civil Penalty Amount

Nuisance with \$ 100.00 Civil Penalty Amount

Sidewalk with \$ _____ Civil Penalty Amount

Emergency Abatement \$ _____ Nuisance Housing

Other: _____ \$ _____ Civil Penalty Amount

Findings of Fact:

Appellant owns the subject property. Notice was properly served on Appellant and notice of appeal was timely filed.

_____ A violation(s) of the Ordinance was not committed. To Wit: _____

A violation(s) of the Ordinance was committed. To Wit: *Debris & Junk auto;*
high grass

Lexington Fayette Urban County Government
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Date of Hearing: 01/09/2019 Hearing Officer: GERALD ROSS

Case number: 250138 Address: 1581 FLORA GLEN WAY

Conclusions of Law

The civil penalty is: Upheld Dismissed Other

Notes: Waived - Recalcitrant Tenant - had to be evicted
Process - Eviction notice on 11/7 - triggered 7 day
shelving process - repairs upon repossession of property
Civil Penalty Assessed available. Property now compliant.

1) Appellant is assessed a civil penalty of \$ _____. Failure to make payment on this civil penalty within 30 days of the issuance of this ruling may result in the placement of lien against the indicated property.

Civil Penalty held in abeyance

2) Appellant is granted until _____ within which to remedy the violations to avoid the assessment of a civil penalty of \$ _____. The appellant shall contact the Case Officer and request a confirmation inspection to ensure compliance has been gained on or before the above indicated date as well. Notes: _____

Civil Penalty assessed in part with remaining balance held in abeyance

3) Appellant is assessed a civil penalty of \$ _____, and is ordered to remedy the violation by _____, and in the event he/she fails to do so, an additional amount of \$ _____ will be assessed, and the Lexington-Fayette County Government will abate (when applicable) the nuisance, at the expense of the Appellant.

Notes: _____

****Notice: Has indicated in Kentucky Revised Statue 65.8831, any appeal of this order must be made to the Fayette District Court within thirty (30) days from the date this order is issued.**

Gerald Ross 01/09/2019 _____ Supplementary Page
Hearing Officer's Signature Date Completed

MAYOR JIM GRAY



DIRECTOR ALEX C. OLSZOWY III
CODE ENFORCEMENT

DIVISION OF CODE ENFORCEMENT

Issuance of Citation

**326 GROUP INC
PO BOX 12283
LEXINGTON, KY 40582**

**Date & Time of Issuance: November 15, 2018, at 1:53 PM
Compliance Due Date: November 29, 2018
Case Number: 250138**

RE: 1581 FLORA GLEN WAY, Lexington, KY 40515

Issuance of Citation: Due to continued non-compliance, a citation in the amount of \$100 has been assessed pursuant to chapter 12 of the code of Ordinances. Please review the second page of this document to obtain details regarding the payment or appeal of this citation.

An inspection was made of the above-referenced property on November 15, 2018 at 1:53 PM, and, pursuant to Chapter 12-2 of the Lexington-Fayette Urban County Government Code of Ordinances the below indicated nuisance violation was located that must to be corrected/abated before the listed "Compliance Due Date".

	Violation	Code	References
1	Rubbish, Garbage, Debris, Ashes, Trash or Waste	Nuisance 001 Trash/Debris	
2	High Weeds/Grass (not to exceed 10" in height)	Nuisance 002 – Tall Grass/Weeds	
3	Indoor Furniture/Appliances not designed or manufactured for outside but is located outside	Nuisance 003 IFO/Indoor Furniture	
4	Junked, Wrecked, Non-Licensed, Improperly licensed or Inoperative Vehicle(s) or Machines(s)	Nuisance 004 Junked/Inopera ble Vehicle	

Inspection Comments:

Property is overgrown, indoor furniture outside, limbs/brush piles. Pontiac in driveway with expired tags and flat tire.

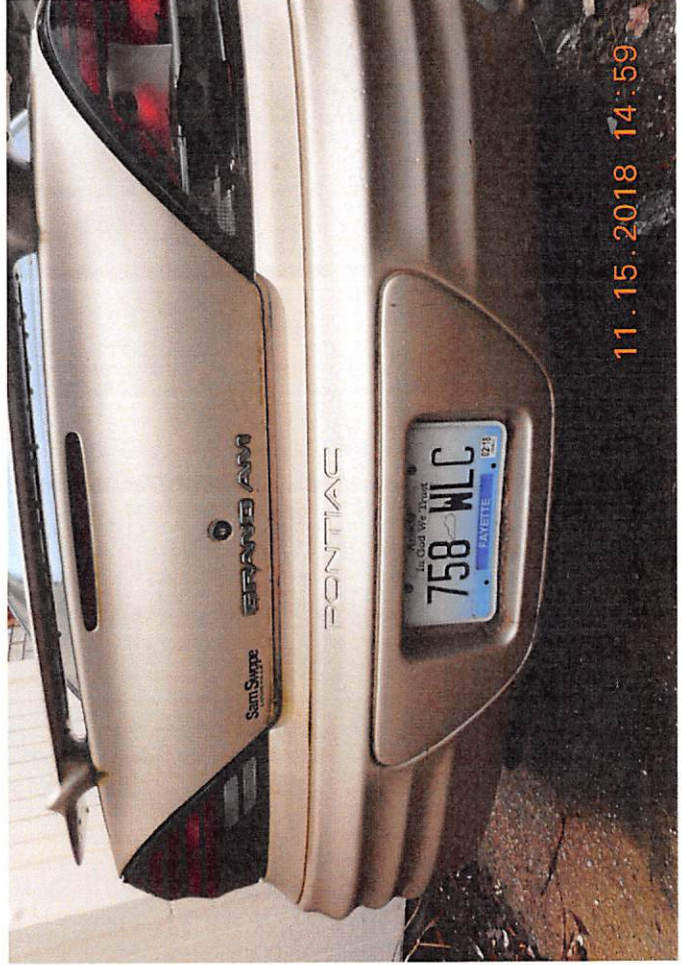
Please contact me if you have any questions or concerns regarding this notice/citation. If you do not receive a response from me within 36 hours of calling/emailing, please call our office and ask to speak to my supervisor.

Coe-Ee Shelby
Nuisance Control Officer

Phone
(859) 258-3275

E-Mail Address
cshelby@lexingtonky.gov

tabbles
EXHIBIT





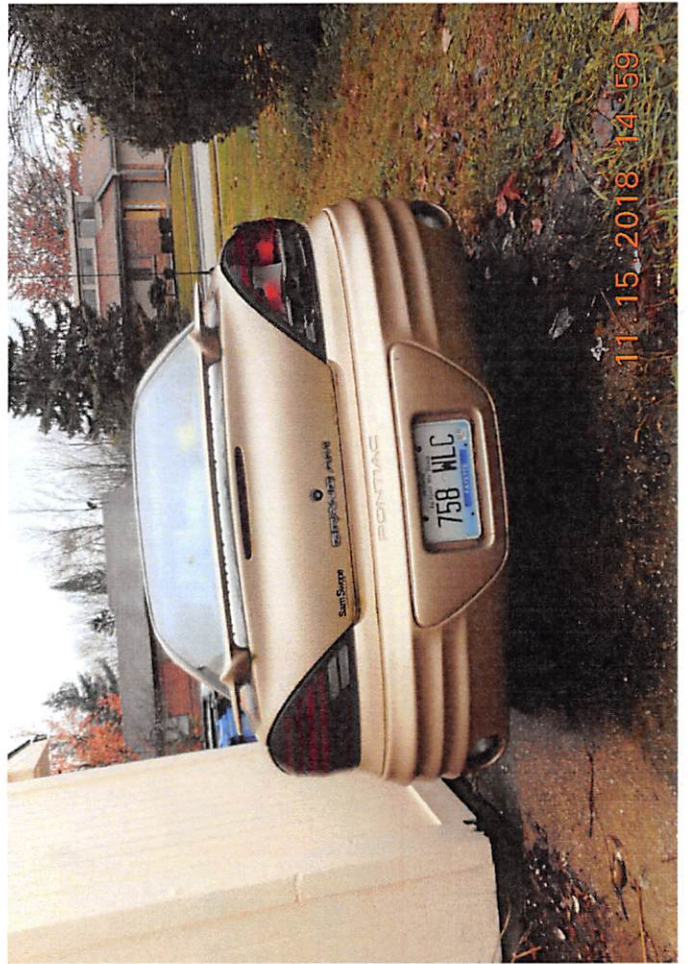
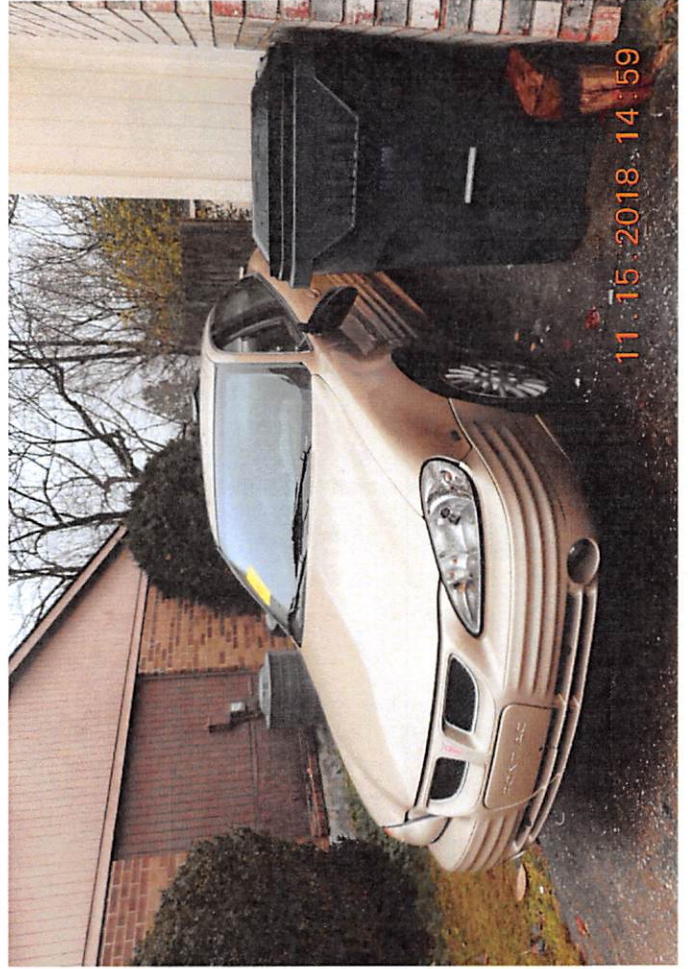
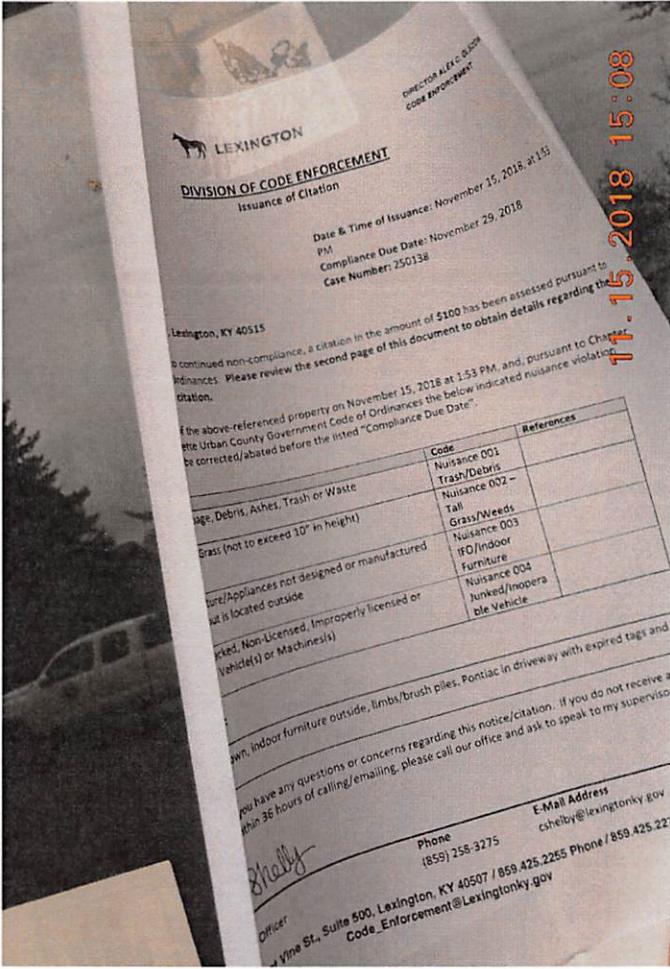


EXHIBIT
2
tabbles



01.08.2019 16:06



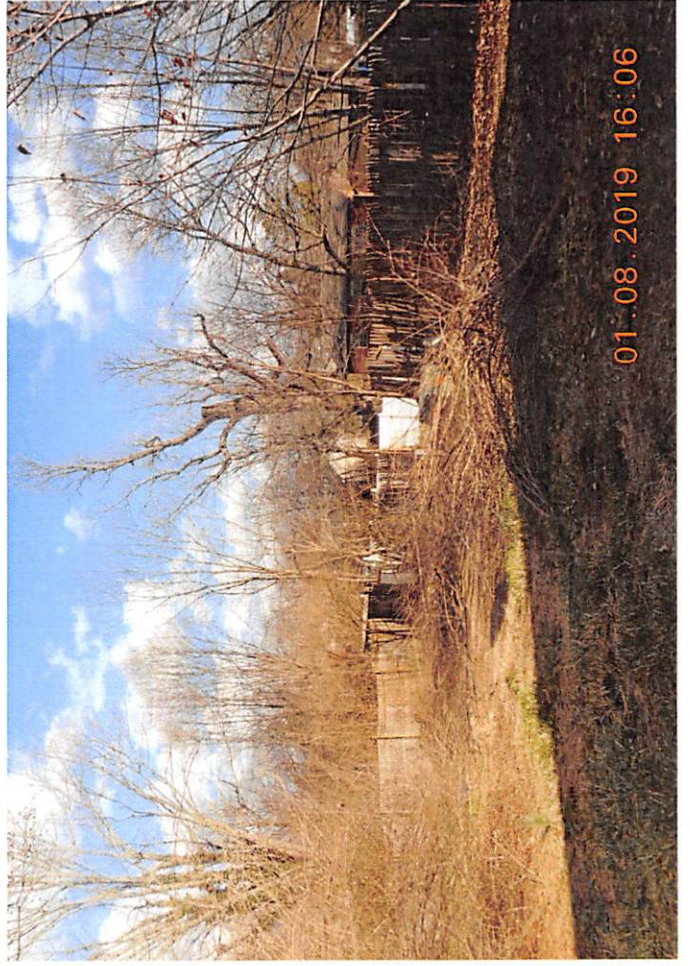
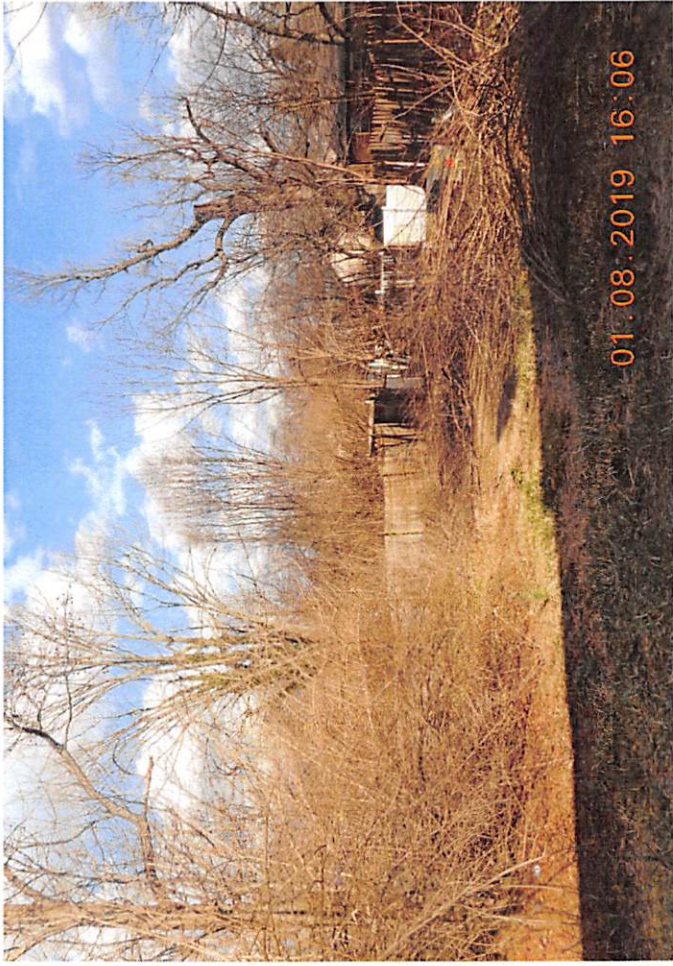
01.08.2019 16:05



01.08.2019 16:04



01.08.2019 16:07



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Court of Justice www.courts.ky.gov
KRS 383.210



**EVICION NOTICE:
NOTICE OF EVICION HEARING
TRIAL BY THE COURT**

Case No. 18C 8778
Court District
County Fayette
Division Forcible

326 GROUP, INC.

PLAINTIFF

VS.

CRYSTAL COOK (or Occupant)

DEFENDANT

Defendant's Address: 1581 Flora Glen Way, Lexington, KY 40515

Plaintiff's Attorney: J. Kirk Griggs II
Address: POB 12283, Lexington, KY 40582
859-576-1249

THE COMMONWEALTH OF KENTUCKY To the Sheriff (or any Constable):

The Plaintiff has filed a complaint in this Court claiming the Defendant on the day of OCT 25 2018,
 , forcibly detained and now forcibly detains from Plaintiff the above-described property which the Defendant,
tenant of Plaintiff, now holds against Plaintiff.

YOU ARE THEREFORE, in the name of the Commonwealth of Kentucky, **commanded to summon Defendant tenant to appear on the Trial Date** shown below to inquire into the forcible detainer complained of **and to give to Defendant at least three (3) days notice of the time and place of trial**, and to make return of service at or before the time of trial.

Date: October 25, 2018

Clerk

By: [Signature] D.C.

TO THE TENANT: Your landlord has filed an eviction notice against you in this Court, claiming you are not entitled to remain on the premises. A trial will be held NOV 07 2018, , at the time of a.m. p.m. at (location) , (address) , to determine whether you will be evicted. If you have reasons for why you should not be evicted, you **MUST APPEAR** in Court to explain your reasons at this time. **THIS IS AN IMPORTANT PAPER. TAKE IT TO YOUR LAWYER IMMEDIATELY.**

PROOF OF SERVICE

A copy of this Eviction Notice was:

- served by delivering same personally to the Defendant.
- served and explained to , age , who is the Defendant's (Relationship) ; after Defendant could not be found.
- posted in a conspicuous place on the Defendant's premises on this date and mailed same to the above address by regular mail through the U.S. Postal Service, postage prepaid on the day of , . Neither Defendant, nor a member of his/her family, could be found.

Date: Served by:

Sheriff's Office of County



**FORCIBLE DETAINER
COMPLAINT**

Case No. 18C 8778
Court District
County Fayette
Division Forcible

Provide Name and Address for both Plaintiff (Landlord) and Defendant (Tenant)

LANDLORD/PLAINTIFF

Name: 326 GROUP, INC.
Address: POB 12283, Lexington, KY 40582

VS.

Name: CRYSTAL COOK (or Occupant)
Address: 1581 FLORA GLEN WAY, Lexington, KY 40515

TENANT/DEFENDANT

FILED
ATTEST, VINCENT RIGGS, CLERK
OCT 25 2018
FAYETTE CIRCUIT CLERK
BY _____ DEPUTY

Comes the Plaintiff and for his/her complaint states that:

- On the 20 day of December, 2014, Defendant(s) contracted to lease a single family home located at 1581 Flora Glen Way, Lexington, Fayette County, KY under a written OR oral lease with Plaintiff as lessor;
- Under the lease terms, Defendant(s) agreed to pay \$825.00 per day week month, payable on the First day of each week month year as rent;
- Defendant(s) has/have breached the lease by not paying rent for the day week month year of October in the amount(s) of \$246.00 and has/have not paid late fee for the day week month year of October in the amounts of \$50.00.
- As of October 25, 2018, the total amount of back rent and late fee(s) owed to the Plaintiff from the Defendant(s) is: \$ 296.00.
- Defendant(s) has/have breached the lease because of the following:
Failure to pay rent as agreed in writing.
- Plaintiff gave Defendant(s) written notice to vacate on October 10, 2018. Defendant(s) has/have not vacated.

WHEREFORE, Plaintiff alleges Defendant(s) unlawfully and forcibly detain the premises, and demand(s) possession of the premises be delivered to Plaintiff, as well as any and all other relief to which he/she may be entitled. I hereby certify I am the owner/attorney of the above-named property.

Landlord/Attorney Signature
J. Kirk Griggs II, Esq.
Landlord/Attorney Name (Please Print)

859-576-1249
Phone Number
POB 12283, Lex ,KY 40582
Landlord/Attorney Address

Subscribed and sworn to before me this _____ day of _____, 2_____. My commission expires: _____, 2_____.

Signature

Title

Commonwealth of Kentucky
Fayette County
Vincent Riggs
Circuit Court Clerk

Receipt Number: 11-0023654-A
DATE: 10/25/2018
TIME: 03:05 PM
*** (W) FORCIBLE DETAINER ***

CASE NO: 18-C-08778
RECEIVED FROM: 326 GROUP, INC
ACCOUNT OF: COOK

PARTY NAME: 326 GROUP, INC

1. Civil Filing Fee (Q)	40.00
2. ATJ Fee (1)	10.00
3. Court Technology MCFO(K(CT))	20.00
4. Court Facilities Fee (I)	10.00
5. Library Fee (L)	1.00
6. Att Tax Fee MCFO(K(Q))	2.50

TOTAL: 83.50

CHECK: 83.50

***DIFF: 0.00

*** Check Number: 2961

*** Credit Card Invoice #:

Balance Due :

Prepared By: Vince Riggs/SLL
** MCFO=Money Collected for Others
** CS=Charge for Services

Payer