

**NOTICE OF LIEN CLAIMED**

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

**444 W THIRD ST**

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

CLAIMANT

VS.

**FRED R KISSLING JR ESTATE**

OWNER(S)

ACTION TYPE: **Sidewalk Citation**

ACTION DATE: **April 26, 2019**

ACTION COST: **\$360.00**

CASE#: 250552

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

**444 W THIRD 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;

**HOLD**

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;**

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:

  
\_\_\_\_\_  
Jeffrey Poe  
Code Enforcement Officer


COMMONWEALTH OF KENTUCKY        )  
  )  
COUNTY OF FAYETTE                 )

The foregoing instrument was subscribed, sworn to and acknowledged before me by Jeffrey Poe, 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 21st day of May, 2019.

My commission expires: 02/09/2020

  
\_\_\_\_\_  
Notary Public  
Kentucky, State-at-Large

PREPARED BY:

  
\_\_\_\_\_  
Evan P. Thompson  
Lexington-Fayette Urban County Government  
Department of Law  
200 E. Main Street  
Lexington, Kentucky 40507



**DIVISION OF CODE ENFORCEMENT**  
**Issuance of Citation (Sidewalk Violation)**

**KISSLING FRED R JR ESTATE; C/O JAYNE KISSLING  
TANNENBAUM  
349 W PARKWOOD RD  
DECATUR, GA 30030**

**Date & Time of Issuance:** April 26, 2019, at 9:24 AM  
**Compliance Due Date:** May 26, 2019  
**Case Number:** 250552

**FINAL ORDER**

**RE: 444 W THIRD ST, Lexington, KY 40508**

On **January 25, 2019 at 8:58 AM**, the above referenced property was placed under a Notice of Violation regarding required replacement and/or repair to an adjacent sidewalk pursuant to Chapter 17-147 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **April 26, 2019 at 9:24 AM**, I conducted a re-inspection of the property and found that the sidewalk was still not in compliance. The purpose of this document is to formally notify you that due to the continued non-compliance during the above indicated "Date of Issuance"; you are being issued a citation. As established in Chapter 17 of the Code of Ordinances you have been issued a citation in the amount of **\$360**. This amount is based on Chapter 17-152 of the Lexington-Fayette Urban County Government Code of Ordinances which states the owner, "may be assessed a civil penalty of ten dollars (\$10.00) per square foot of unrepaired sidewalk panel, up to a maximum civil penalty of five hundred dollars (\$500.00). (36 Square Footage in Violation.)

The property owner may file a written appeal of this action, but must do so within 7 days of the above listed "Date of Issuance". Appeals, which should indicate why the citation should be dismissed, may be filed via U.S. Mail or by delivering the request to the: Division of Code Enforcement, C/O Secretary of Administrative Hearing Board, 101 East Vine Street, Suite 500, Lexington, KY 40507, or by faxing the appeal request to (859-425-2274)—No emails. Failure to appeal this citation within the indicated time shall result in the determination the property owner has waived their right to appeal, the violations were present on the property, and the issuance of the citation was proper.

If this citation is not paid within 14 days of its issuance and it is not on appeal, a Notice of Lien Claimed may be filed. If a Notice of Lien is filed, then the property owner will be responsible for all fees and administrative costs associated with the lien as well. **All payments related to citations or liens should be made to the Lexington-Fayette Urban County Government and mailed or delivered to the Lexington-Fayette Urban County Government, Division of Revenue, 218 East Main Street, Lexington, Kentucky 40507.** Please include a copy of this citation and/or documents clearly identifying the referenced property and this citation with the payment to ensure proper credit occurs.

As outlined in Chapter 17 of the Code of Ordinances, if the cited replacement/repair is not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties may be assessed. Please take immediate steps to correct these violations to ensure no additional citations or liens are issued.

Please contact me if you have any questions or concerns regarding this 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.

**Inspection Comments:**

\_\_\_\_\_





COPY

MAYOR LINDA GORTON



**LEXINGTON**

ALEX "CASH" OLSZOWY  
DIRECTOR  
CODE ENFORCEMENT

A handwritten signature in black ink, appearing to read "Jeffrey Poe".

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**Jeffrey Poe**  
Code Enforcement Officer

**Phone**  
(859) 576-3848

**E-Mail Address**  
jpoe@lexingtonky.gov

