

NOTICE OF LIEN CLAIMED

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

134 BARBERRY LN

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

CLAIMANT

VS.

DEBRA L SCHIRM

OWNER(S)

ACTION TYPE: **Nuisance Citation**

ACTION DATE: **June 13, 2019**

ACTION COST: **\$100.00**

CASE#: 335548

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

134 BARBERRY LN

(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:

Gerry Hamilton
Gerry Hamilton
Nuisance Control Officer

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Gerry Hamilton, a Nuisance Control Officer with the Division of Code Enforcement, Lexington-Fayette Urban County Government, for and on behalf of the Government, on this the 11th day of July, 2019.
My commission expires: 02/09/2020

Kennedy
Notary Public
Kentucky, State-at-Large

PREPARED BY:

Evan Robinson
Evan Robinson
Lexington-Fayette Urban County Government
Department of Law
200 E. Main Street
Lexington, Kentucky 40507



DIVISION OF CODE ENFORCEMENT

Issuance of Citation

**SCHIRM DEBRA L; C/O TONY OPPEGARD EXE &
OPPEGARD ANTHONY C
507 LAKETOWER DR NO 101
LEXINGTON, KY 40502**

Date & Time of Issuance: June 13, 2019, at 3:29 PM
Compliance Due Date: June 27, 2019
Case Number: 335548

FINAL ORDER

RE: 134 BARBERRY LN, Lexington, KY 40503

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 June 13, 2019 at 3:29 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	High Weeds/Grass (not to exceed 10" in height)	Nuisance 002 – Tall Grass/Weeds	
2	No tree, bush, hedge or other vegetation may interfere with normal sidewalk or vehicular traffic	Nuisance 006 Sidewalk Obstruction	

Inspection Comments:

While most of the yard has been mowed, the area along the fence and back around the garage is still in violation.

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.

Gerry Hamilton
Nuisance Control Officer

Phone
(859) 576-3845

E-Mail Address
ghamilto@lexingtonky.gov





How to Pay a Citation

All payments related to citations, civil penalties 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. The Division of Code Enforcement cannot accept payment for any citations, liens or abatement costs.

Continued non-compliance after the above indicated "Compliance Due Date" may result in additional citations being issued until compliance is gained. If the property owner does not bring the property into compliance the violations may be abated/corrected by governmental operations and all abatement costs and related administrative fees will be invoiced to the property owner.

How to Appeal a Citation

A notice of Nuisance Violation is not appealable.

If a citation has been issued, the property owner may file a written appeal of this citation. The property owner must do so within 7 days of the listed "Issuance Date". Appeals may be filed via U.S. Mail or by delivering the request to: 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 will be accepted. 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 a citation, which is not on appeal, and/or invoice abatement costs are not paid within 14 days following its issuance, a Notice of Lien Claimed may be recorded in the Office of the Fayette County Clerk against the property.

