

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

Date of Hearing: 07/17/2019

Hearing Officer: MATT BOYD

Case number: 300393

Address: 3816 KITTIWAKE DR.

Owner: BRENDA MANN / Brent

Present /Not Present

Person Representing Property Owner: _____

Brenda Mann /

Legal Standing: Owner - Executor

Issuance Date of Civil Penalty: 05/28/2019

Case Officer: TOM BROOKS

Housing with \$ _____ Civil Penalty Amount

Nuisance with \$ _____ Civil Penalty Amount

Sidewalk with \$ 500.00 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: 96 sq ft of sidewalk in disrepair

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Conclusions of Law

The civil penalty is:

Upheld

Dismissed

Other

Notes: _____

Civil Penalty Assessed

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 10/31/19 within which to remedy the violations to avoid the assessment of a civil penalty of \$ 500. 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: to repair or replace

sidewalks - apply for grant then they repair + time is waived

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: As 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.**



Hearing Officer's Signature

7/17/19

Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Sidewalk Violation)

**MANN BRENDA
3816 KITTIWAKE DR
LEXINGTON, KY 40517**

Date & Time of Issuance: May 28, 2019, at 9:53 AM
Compliance Due Date: June 27, 2019
Case Number: 300393

RE: 3816 KITTIWAKE DR, Lexington, KY 40517

On **February 27, 2019 at 1:39 PM**, 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 **May 28, 2019 at 9:53 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 **\$500**. 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). (100 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:



MAYOR LINDA GORTON



LEXINGTON

ALEX "CASH" OLSZOWY
DIRECTOR
CODE ENFORCEMENT

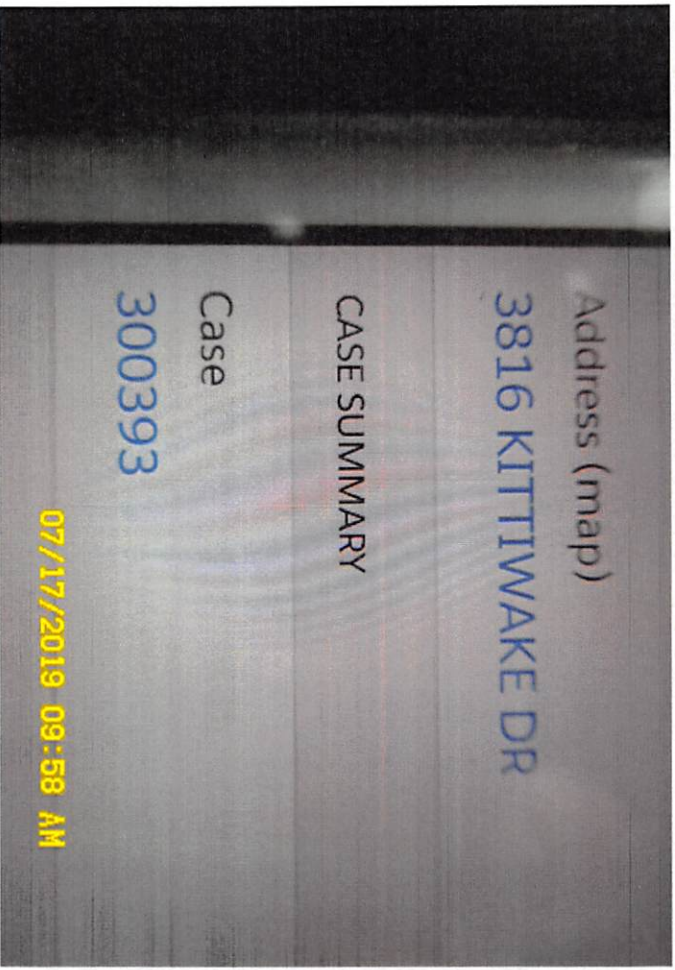
Tom Brooks

Tom Brooks
Code Enforcement Officer

Phone
(859) 576-3835

E-Mail Address
tbrooks@lexingtonky.gov





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EXHIBIT
CE #1

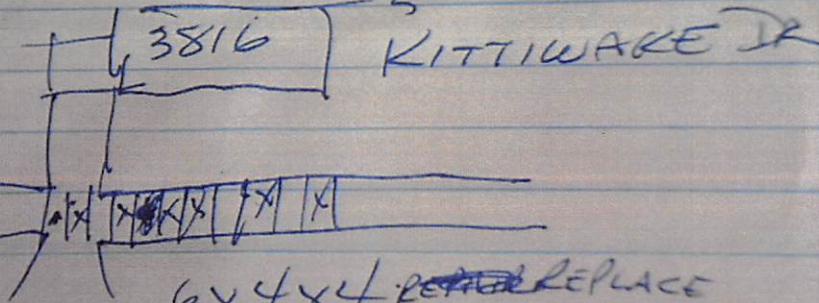
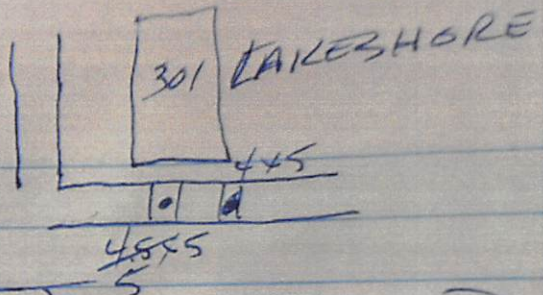
7/17/19





07/17/2019 10:00 AM

2/27/19



6x4x4 ~~REPAIR~~ REPLACE
1x4x4 REPAIR

07/15/2019 01:58 PM



AFTER RECORDING RETURN TO:
JACK MARTIN GOINS
ATTORNEY AT LAW
315 PLEASANT STREET
PARIS, KENTUCKY 40361

DEED

THIS DEED made and entered into this 9th day of July, 2019, by and between, **ESTATE OF BRENDA MANN a/k/a Brenda Kaye Mann**, single, deceased, by and through **Co-Executors MICHELLE JANKIEWICZ**, of 40155 Paris Pike, Georgetown, KY 40324, and **BRENT MANN**, of 3816 Kittiwake Dr., Lexington, KY 40517, party of the first part, and **BRENT MANN**, of 3816 Kittiwake Dr., Lexington, KY 40517, party of the second part; transfer year taxes in care of Brent Mann, 3816 Kittiwake Dr., Lexington, KY 40517.

WITNESSETH:

*For and in consideration of the premises and the fulfillment of the terms and conditions of the Last Will and Testament of Brenda Mann a/k/a Brenda Kaye Mann, the party of the second part Brent Mann having inherited the real property from his mother Brenda Mann, the party of the first part hereby conveys, confirms, remises, releases and forever deeds unto the party of the second part, in fee simple, his heirs and assigns forever, and with the Covenant of **GENERAL WARRANTY**, all of the party of the first part's right, title and interest in and to the following described real property located in Fayette County, Kentucky:*

BEING all of Lot 44, Block "F", Unit 7-B, Section 2 of Southeastern Hills Subdivision, Fayette County, Kentucky, as shown on the plat thereof of record in Plat Cabinet 3, Slide 388, Fayette County Court Clerk's Office; to which plat reference is hereby made for a more particular description of said property, the improvements thereon being known and designated as **3816 Kittiwake Drive**.

AND BEING the same property conveyed to Brenda Mann, single, by Deed dated December 12, 2007, and of record in Deed Book 2777, Page 337, Fayette County Court Clerk's Office. Brenda Mann a/k/a Brenda Kaye Mann died single, testate on February 14, 2018 and pursuant to the terms of her Will, a certified copy of which was filed June 26, 2019 in Will Book 377, Page 590, aforesaid Clerk's Office, her daughter Michelle Jankiewicz and her son Brent Mann were appointed Co-Executors of her estate, with power to sell. The appointment of said Co-Executors is still in full force and effect.



TO HAVE AND TO HOLD the above described property together with all appurtenances and privileges thereunto belonging, unto the party of the second part, in fee simple, his heirs and assigns forever, with Covenant of **GENERAL WARRANTY** subject, however, to easements and restrictions of record.

This conveyance is made by Michelle Jankiewicz and Brent Mann, in their fiduciary capacity, and they shall not be individually liable for any breach of warranty made herein.

IN TESTIMONY WHEREOF the party of the first part has hereunto signed its hand on this date, which is first above written.

The undersigned, Estate of Brenda Mann a/k/a Brenda Kaye Mann, single, deceased, by and through Michelle Jankiewicz and Brent Mann, Co-Executors, Grantor herein, and Brent Mann, Grantee herein, do hereby certify, pursuant to K.R.S. 382, that the above stated consideration of the fulfillment of the terms and conditions of the Last Will and Testament of Brenda Mann a/k/a Brenda Kaye Mann is the true, correct and full consideration paid for the property herein conveyed, and that no money is changing hands. The fair cash value per Property Valuation Administrator is \$151,100.00. This conveyance is exempt from transfer tax pursuant to KRS 142.050(7)(l), transfer between parent (*deceased*) and child.

ESTATE OF BRENDA MANN a/k/a
Brenda Kaye Mann, single, deceased,
Grantor

BY: Michelle Jankiewicz
Michelle Jankiewicz, Co-Executor

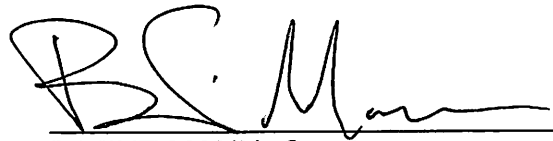
BY: Brent Mann
Brent Mann, Co-Executor

COMMONWEALTH OF KENTUCKY

COUNTY OF BOURBON

The foregoing instrument was subscribed, sworn and acknowledged before me this 9th day of July, 2019 by Estate of Brenda Mann a/k/a Brenda Kaye Mann, single, deceased, by and through Michelle Jankiewicz and Brent Mann, Co-Executors, as first party and Grantor herein.


Shay Moreland
NOTARY PUBLIC - STATE AT LARGE
My Commission Expires: 8/8/2020
Notary ID # 562484


BRENT MANN, Grantee


COMMONWEALTH OF KENTUCKY

COUNTY OF BOURBON

Subscribed, sworn and acknowledged before me by Brent Mann, as second party and Grantee herein, this 9th day of July, 2019.


NOTARY PUBLIC - STATE AT LARGE
My Commission Expires: 8/8/2020
Notary ID # 562484

THIS INSTRUMENT PREPARED BY:



JACK MARTIN GOINS
Attorney at Law
315 Pleasant Street
Paris, Kentucky 40361
(859) 987-7994

This Deed as prepared by Jack Martin Goins, Attorney at Law, is based solely on the information supplied by the parties hereto. Jack Martin Goins has no liability for any errors resulting from the information supplied. Jack Martin Goins has not personally performed a *recent* title search on the above property, and makes no representations with respect to any mortgages or liens which may exist against the property or the parties herein.