

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

Date of Hearing: 09/26/2023 Hearing Officer: JOE BUCKLES
Case number: 1018805 Address: 1273 RED STONE DR.
Owner: MORTON PROPERTIES LLC C/O LEXINGTON RENTAL HOMES Present / Not Present
Person Representing Property Owner: Brethan Valentine, power of attorney Legal Standing: POA

Issuance Date of Notice: 08/07/2023 Case Officer: DEBRA PHELPS

- Housing with \$ 125.00 Civil Penalty Amount
- Nuisance with \$ _____ 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: _____
garage door and other issues
resolved prior to hearing.

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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 _____ 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: As indicated in Kentucky Revised Statute 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

9/26/2023
Date



DIVISION OF CODE ENFORCEMENT
Issuance of Citation (Housing Violation)

**MORTON PROPERTIES LLC; C/O LEXINGTON RENTAL
HOMES INC
505 WELLINGTON WAY STE 175
LEXINGTON, KY 40503**

Date & Time of Issuance: August 7, 2023, at 10:29 AM
Compliance Due Date: September 6, 2023
Case Number: 1018805

RE: 1273 RED STONE DR, Lexington, KY 40509

On **June 23, 2023 at 11:59 AM**, the above referenced property was placed under a Notice of Violation regarding required repairs or corrections pursuant to Chapter 12 of the Lexington-Fayette Urban County Government Code of Ordinances.

On **August 7, 2023 at 10:29 AM**, I conducted a re-inspection of the property and found that not all of the cited repairs/corrections have been completed. The purpose of this document is to formally notify you that due to the continued non-compliance and the presence of **2** violation(s) on the property during the above indicated "Date of Issuance", you are being issued a citation. **As established in Chapter 12-1 of the Code of Ordinances you have been issued a citation in the amount of \$125. This amount includes a \$25.00 Administrative fee.** Our records indicate you have received **1** citation(s) in this case.

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: 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.

Please note that as outlined in Chapter 12-1 of the Code of Ordinances, if the cited repairs are not completed and the property is not brought into compliance before the above indicated "Compliance Due Date", additional penalties ranging between \$100.00 and \$2,500.00 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:

You still need to repair/replace garage door to working order. The side door needs to have trim caulked and painted as needed. Contact me if you have any questions or violations have been





completed.

A handwritten signature in blue ink that reads "Debra Phelps".

Debra Phelps
Code Enforcement Officer

Phone
(859) 797-6230

E-Mail Address
dphelps@lexingtonky.gov



LIMITED POWER OF ATTORNEY

That I, Lawrence morton, do hereby make, constitute and appoint KEITH GADD and any other designate employee of LEXINGTON RENTAL HOMES of KY INC, 505 Wellington Way, Ste. 175-B, Lexington, Kentucky 40503, as my true and lawful Attorney - in - Fact, to act in my place and stead to file forcible detainer and small claims actions, Code enforcement appeal hearings and attend district and circuit court proceedings represent my interests in these matters, and to proceed with all collections activity including filing lawsuits and attending related court and other proceedings relating to the real property known as 1273 Redstone dr, Lexington, Fayette County, Kentucky ("the Real Property"). Any of the persons designated herein may act alone as my Attorney-in-Fact.

Said Attorney-in-Fact is authorized on my behalf to execute all necessary documents in my name and execute any and all other documents pertaining to any forcible detainer matters, evictions and collections actions involving my Real Property.

My said Attorney-in-Fact is authorized to do any and all things pertaining to the matters and actions described above involving the Real Property and the management of it the same as I might do if I was personally present and acting.

The Power of Attorney shall not be affected by my subsequent disability or incapacity, or lapse of time, and it shall remain in full force and effect in all events.

WITNESS our hands this 25th day of September, 2023



STATE OF KENTUCKY

COUNTY OF FAYETTE The foregoing Limited Power of Attorney was subscribed, sworn to, and acknowledged before me by Lawrence morton this 26th day of September 23.

My commission expires: 2/1/2025


NOTARY PUBLIC,
KENTUCKY, STATE AT LARGE