

TOWN OF JUPITER, FLORIDA
CODE COMPLIANCE MAGISTRATE
196 Military Trail, Jupiter, FL 33458
Ph: 561-741-2477

Case No: 23-000522

TOWN OF JUPITER, FLORIDA
Petitioner,

v.
GYR SFR Borrower LLC
410 W. Whitney Dr.
Jupiter, FL 33458

CFN 20230432932
ORBK 34730 PG 723
RECORDED 12/21/2023 2:15 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 723 - 725; (2pgs)

PCN: 30-42-41-01-01-004-0340
SUBDIVISION: EASTVIEW MANOR IN
ORB: 30063 PAGE: 197
LEGAL: EASTVIEW MANOR LT 34 BLK 4

Respondents.

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Compliance Magistrate on **September 13, 2023**, and who, having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully apprised of the circumstances, finds as follows:

FINDINGS OF FACT

1. The above Respondent is the owner or occupant of THE PROPERTY AS DESCRIBED ABOVE, and STREET ADDRESS of 410 W. Whitney Dr., Jupiter, Florida.
2. On May 11, 2023, an inspection of the property was performed by the Town, and at that time, and continuing through today the Respondent did maintain conditions on the property as cited in the Notice of Violation issued in this case.
3. The Town of Jupiter incurred costs in the amount of \$287.15 in prosecuting this case.

CONCLUSIONS OF LAW

1. By reason of the foregoing, the Respondent is in violation of the Codes as cited in the Notice of Violation, and is therefore subject to the provisions of Chapter 8 of the Town of Jupiter Code, under the authority of Chapter 162 of Florida Statutes, as both may be amended from time to time.
2. The Findings of Fact support, by a preponderance of the evidence, that Respondent violated Section(s) 27-2856(a)(1-3) Permitted parking of the Town of Jupiter's Code of Ordinances or the Florida Building Code, as cited.
3. The Town of Jupiter is entitled to recover all or any portion of the costs incurred in successfully prosecuting this action.

COMPLIANCE

1. IT IS HEREBY ORDERED that Respondent shall comply with the above Section(s) of the Florida Building Code and/or of the Town of Jupiter's Code of Ordinances, as follows:
 - a. On or before September 29, 2023, Respondent shall come into compliance with the above-cited section of the Town Code. Upon compliance the Respondent shall request an inspection by contacting the Town's Code Compliance Office at 196 Military Trail, or by calling (561)741-2477. A request for inspection must be made at least one (1) day prior to the requested inspection.

- b. If Respondent fails to comply with the requirements of this subsection, there is hereby levied a fine in the amount of **\$100.00 per day** thereafter, for each and every day of non-compliance; and also levied are administrative costs in enforcing this action, pursuant to Chapter 162, Florida Statutes. No further hearing shall be required for the entry of such fine and costs. **In addition, all fines and costs become liens on the property of the Respondent.**
2. Should the Respondent come into compliance in accordance with this Order Finding Violation, and subsequently violate the same code section(s), such reoccurrence shall subject the Respondent to a repeat violator fine of **up to \$5,000 **(\$15,000.00 per day irreparable violations)** for every day of violation continues thereafter, and also be assessed administrative costs.
3. **Respondent is assessed the administrative costs of this action in the amount of \$287.15,** as provided by law, and shall pay the same to the Code Compliance Secretary at 196 Military Trail, Jupiter, Florida, on or before **September 29, 2023.**
4. The Respondent may submit a written request for a hearing to challenge the fine imposed by this Order within 15 days from the date of this Order. If a hearing challenging the amount of the fine assessed is requested, testimony as to the existence of the violation is not permitted; rather the hearing is limited to the amount of the fine and costs assessed by this Order, and why a lien to recover the fines and costs should not have been authorized by this Order. The Respondent shall bear the burden of demonstrating why the fines and costs assessed herein should not constitute a Final Order Assessing Fine and authorizing the imposition of a Lien against the property. If the Respondent fails to timely make such a request, and the violation remains, the Order shall constitute a FINAL ORDER ASSESSING A FINE. The Town may record a certified copy of the Order in the Public Records of Palm Beach County, Florida, which shall constitute a lien against the Respondent's real and/or personal property and any other real or personal property owned by the Respondent; and at any time more than THREE MONTHS after its recordation the Town is hereby authorized to foreclose on the Lien of the Town against the real and/or personal property owned by the Respondent.

Remainder of page intentionally blank – signature on next page

DONE AND ORDERED this 13th day of September, 2023.


LEONARD G. RUBIN
Magistrate

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDER OF THE SPECIAL MAGISTRATE AS MAINTAINED IN THE OFFICIAL RECORDS OF THE TOWN OF JUPITER. WITNESS MY HAND, THIS 13 DAY OF September, 2023.


LAURA E. CAHILL
Town Clerk



AFFIDAVIT OF POSTING

Magistrate Order

Case No.: 23-000522
Date Posted: March 19, 2024
Property Owner: FYR SFR BORROWER LLC
Property Address: 410 W WHITNEY DR

Places of Posting: Town Hall
410 W WHITNEY DR

(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, **DEVON BROWN**, a duly-designated Code Compliance Officer of the Town of Jupiter, who, after being duly sworn by me under oath, deposes and says:

1. Prior to posting this notice, the undersigned has reviewed the file of this matter and has determined that a bona fide attempt was made to hand-deliver or mail notice to the alleged violator.
2. This Affidavit of Posting shall serve to meet the notice requirements of Section 162.12, Florida Statutes.
3. This property was posted for at least ten (10) days in two (2) locations, the first being upon the property where the code violation is alleged to exist, the address of which is listed herein above, and the second being at the Jupiter Town Hall, 210 Military Trail, Jupiter, Florida 33458, in accordance with Section 162.12(2)(b), F.S. The undersigned affiant submits this affidavit as proof of compliance with the requirements of Section 162.12(2)(b), F.S.

FURTHER AFFIANT SAYETH NOT

Devon Brown

Personally appeared before me the undersigned authority, and acknowledged that (he)/(she) did execute the foregoing affidavit.

Sworn to and subscribed before me this 19th day of March, 2024.

Dean Fowler
Notary Public

