



CITY OF BARTOW
CODE ENFORCEMENT - SPECIAL MAGISTRATE HEARING MEETING
TUESDAY, NOVEMBER 25, 2025 AT 9:00 AM
OR AS SOON THEREAFTER AS POSSIBLE
450 NORTH WILSON AVE., BARTOW, FL 33830

AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. APPROVAL OF MINUTES
4. EXPLANATION OF PROCEDURE AND SWEARING IN
5. AGENDA MODIFICATION
6. CONSENT AGENDA

All matters listed under this section are considered to be routine and action will be accomplished by one motion without a separate discussion of each item. If discussion is desired by the Special Magistrate, that item(s) will be removed from the Consent Agenda and considered separately.

a. FINE CERTIFICATIONS

1. CASE NO. 64582
RESPONDENT: HERCULES GREEK GOD, LLC
LOCATION: 1310 E. SUMMERLIN STREET
VIOLATION(S):
1. COO § - PERMIT FOR CONSTRUCTION REQUIRED
2. CASE NO. 19394
RESPONDENT: JEFFREY HOLDEN
LOCATION: 3505 HWY 60 E.
1. COO § 38-26 - ACCUMULATION OF DEBRIS

7. OLD BUSINESS

a. A. AFFIDAVIT OF COMPLIANCE

1. CASE NO:64582
RESPONDENT: HERCULES GREEK GOD, LLC
LOCATION: 1310 E. SUMMERLIN STREET
1. COO § 18-3 - PERMIT FOR CONSTRUCTION REQUIRED

8. NEW VIOLATIONS

9. REPEAT VIOLATIONS

10. DEMOLITION REQUESTS

11. REDUCTION REQUESTS

- a. RESPONDENT: THOMAS E. NOVACK, T&T NOVACK FAMILY TRUST
LOCATION: 1185 BRITTS LANE W.
VIOLATION(S):
 - 1. MPMS § 302.1 - SANITATION AND STORAGE OF MATERIALS
 - 2. MPMS § 302.7 - ACCESSORY STRUCTURE
 - 3. COO § 18-53 - WATT HOUR METERS

12. ADJOURNMENT

(References to "MPMS" are to the Minimum Property Maintenance Standards of the City of Bartow as adopted by the Bartow Property Improvement Regulations Ordinance of 2012 ("BPIRO"), § 18-16, Code of Ord. of the City of Bartow, Fla. References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, Code of Ord. of the City of Bartow, Fla. References to "ULDC" are to the Unified Land Development Code of the City of Bartow, Fla.)

Please be advised that if you desire to appeal from any decisions made as a result of the above hearing or meeting, you will need a record of the proceedings and in some cases a verbatim record is required.

You must make your own arrangements to produce this record. (Florida Statute 286.0105). If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Clerk's Office at 450 N. Wilson Avenue, P.O. Box 1069, Bartow, Florida 33831-1069 or phone (863) 534-0100 within 2 working days of your receipt of this meeting notification; if you are hearing or voice impaired, call 1-800-955-8771. Posted at City Hall, Bartow Public Library, and the City's website www.cityofbartow.net on 11/18/2025



CITY OF BARTOW
CODE ENFORCEMENT - SPECIAL MAGISTRATE HEARING

TUESDAY, JULY 29, 2025 AT 9:00 A.M. (EST)
OR AS SOON THEREAFTER AS POSSIBLE
CITY HALL COMMISSION CHAMBERS,
450 NORTH WILSON AVENUE, BARTOW, FL 33830

MINUTES

The Special Magistrate Hearing for the City of Bartow Code Enforcement convened on January 28, 2025, at 9:00 a.m. in the Commission Chambers located at City Hall, 450 N. Wilson Avenue, Bartow, FL 33830. Notice of this meeting was posted at City Hall, Bartow Public Library, and on the City's website, www.cityofbartow.net, on July 22, 2025.

1. CALL TO ORDER

Special Magistrate Mawhinney called the hearing to order at 9:00 a.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Special Magistrate Mawhinney led the Pledge of Allegiance to the Flag.

3. APPROVAL OF THE MINUTES – June 24, 2025

Special Magistrate Mawhinney approved the minutes from June 24, 2025, as presented.

4. EXPLANATION OF PROCEDURE AND SWEARING-IN

Special Magistrate Mawhinney explained that he would call each case as it appears on the agenda. He stated that the Code Enforcement Investigator responsible for the case would present testimony, and then anyone in the audience who is here on behalf of the property owner(s) or anyone wishing to speak specifically to that case would be allowed to offer testimony. He asked that everyone would be courteous and respectful of each other.

Special Magistrate Mawhinney swore in those wishing to testify.

5. AGENDA MODIFICATION

Code Enforcement Altman requested the following items be removed:

~~CASE NO. 71142~~

~~RESPONDENT: JAMES THOMPSON~~

~~LOCATION: 280 IDLEWOOD AVE N.~~

~~VIOLATION(S):~~

~~MPMS § 304.7 WEEDS AND OVERGROWTH~~

~~MPMS § 302.1 SANITATION AND STORAGE OF MATERIALS~~

~~MPMS § 308.1 ACCUMULATION OF RUBBISH OR GARBAGE~~
~~COO § 66-28 ADJACENT OWNERS TO MAINTAIN PARKWAYS AND SWALES;~~
~~SIDEWALKS BE KEPT FREE OF WEEDS~~

6. CONSENT AGENDA

All matters listed under this section are considered to be routine and action will be accomplished by one motion without a separate discussion of each item. If discussion is desired by the Special Magistrate, that item(s) will be removed from the Consent Agenda and considered separately.

A. AFFIDAVITS OF NON-COMPLIANCE / FINE CERTIFICATIONS - NONE

7. OLD BUSINESS – NONE

8. NEW VIOLATIONS

a. CASE NO. 71034

RESPONDENT: HARRY R. WILLIAMS & CAROLYN B. WILLIAMS

LOCATION: 2105 GREENTREE CT.

VIOLATION(S):

1. COO § 14-13 OFFENSIVE ODORS AND DISTURBING NOSIES DECLARED, NUISANCE

Code Compliance Inspector Altman personally took the photographs associated with this case, and they accurately depicted what he saw. During routine patrol, he found the above violation to exist. On June 10, 2025, a Notice of Violation/Notice of Hearing was posted to the property, City Hall, and via certified and first-class mail, giving the property owner 30 (thirty) days to come into compliance. The property was re-inspected on July 28, 2025, and the violation was not corrected. He requests that the property owner be given thirty (30) days to come into compliance or be fined \$75 per day plus associated City costs. The city has incurred investigative costs of \$130.47.

The Respondent(s), Harry B. Williams & Carolyn B. Williams, was duly served with notice of the subject hearing and did not attend this hearing.

SPECIAL MAGISTRATE MAWHINNEY accepted the photographs into evidence. He found the violation to exist. He gave the property owner thirty (30) days to bring the property into compliance, or a fine of \$75.00 per day would be imposed. The City's current administrative cost of \$130.47 for prosecuting the case was imposed and is payable within thirty (30) days.

b. CASE NO. 71035

RESPONDENT: ANGEL CORTEZ

LOCATION: 2190 GREENTREE CT.

VIOLATION(S):

1. MPMS § 304.7 WEEDS AND OVERGROWTH

Code Compliance Inspector Altman personally took the photographs associated with this case, and they accurately depicted what he saw. During routine patrol, he found the above violation to exist. On June 10, 2025, a Notice of Violation/Notice of Hearing was posted to the property, City Hall, and via certified and first-class mail, giving the property owner 30 (thirty) days to come into compliance. The property was re-inspected on July 28, 2025, and the violation was not corrected. He requests that the property owner be given thirty (30) days to come into compliance or be fined \$75 per day plus associated City costs. The city has incurred investigative costs of \$130.47.

The Respondent(s), Angel Cortez, was duly served with notice of the subject hearing and did not attend this hearing.

SPECIAL MAGISTRATE MAWHINNEY accepted the photographs into evidence. He found the violation to exist. He gave the property owner thirty (30) days to bring the property into compliance, or a fine of \$75.00 per day would be imposed. The City's current administrative cost of \$130.47 for prosecuting the case was imposed and is payable within thirty (30) days.

c. **CASE NO. 71120**

RESPONDENT: MADELINE DIAZ

LOCATION: 640 ALICE PL.

VIOLATION(S):

1. MPMS § 304.7 WEEDS AND OVERGROWTH

Code Compliance Inspector Altman personally took the photographs associated with this case, and they accurately depicted what he saw. During routine patrol, he found the above violation to exist. On June 18, 2025, a Notice of Violation/Notice of Hearing was posted to the property, City Hall, and via certified and first-class mail, giving the property owner 30 (thirty) days to come into compliance. The property was re-inspected on July 28, 2025, and the violation was not corrected. He requests that the property owner be given thirty (30) days to come into compliance or be fined \$100 per day plus associated City costs. The city has incurred investigative costs of \$130.47.

The Respondent(s), Madeline Diaz, was duly served with notice of the subject hearing and did not attend this hearing.

SPECIAL MAGISTRATE MAWHINNEY accepted the photographs into evidence. He found the violation to exist. He gave the property owner thirty (30) days to bring the property into compliance, or a fine of \$100.00 per day would be imposed. The City's current administrative cost of \$130.47 for prosecuting the case was imposed and is payable within thirty (30) days.

d. **CASE NO. 71142**

RESPONDENT: JAMES THOMPSON

LOCATION: 280 IDLEWOOD AVE N.

VIOLATION(S):

1. MPMS § 304.7 WEEDS AND OVERGROWTH

2. MPMS § 302.1 SANITATION AND STORAGE OF MATERIALS

- ~~3. MPMS § 308.1 ACCUMULATION OF RUBBISH OR GARBAGE~~
~~4. COO § 66-28 ADJACENT OWNERS TO MAINTAIN PARKWAYS AND SWALES;
SIDEWALKS BE KEPT FREE OF WEEDS~~

9. REPEAT VIOLATIONS – NONE

10. DEMOLITION REQUESTS – NONE

11. REDUCTION REQUESTS – NONE

12. FALSE ALARM

~~a. CASE NO. 25-1166~~

~~RESPONDENT: BRIANNA CLARK~~

~~LOCATION: 1295 GEORGIA ST. E~~

~~VIOLATION(S):~~

- ~~1. COO § 41-5 FINES~~

Code Compliance Inspector Altman recommended that this case be continued to the August 26, 2025, Code Enforcement Special Magistrate Hearing.

Special Magistrate Mawhinney accepted the recommendation.

11. ADJOURNMENT

With no further business, Special Magistrate Mawhinney adjourned the hearing at 9:09 a.m.

Special Magistrate Joseph Mawhinney

Attest:

Assistant City Clerk Kaylee Fussell

(seal)

CASE NO.: 64582

IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830

25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111,
PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,

Petitioner

v.

HERCULES GREEK GOD LLC,

Respondent(s).

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority personally appeared, Melvin T. Towles, Code Compliance Investigator for the City of Bartow's Office of Code Compliance and Neighborhood Services, who, after being duly sworn, deposes and says that a reinspection, performed on _____ revealed the corrective action ordered by the Code Enforcement Special Magistrate had not been taken in that:

- (1) The violation of CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED (Non-Permitted Fence) remains in non-compliance.

FURTHER AFFIANT SAYETH NOT.

DATED 20th DAY OF November, 2025



Certified Code Compliance Investigator

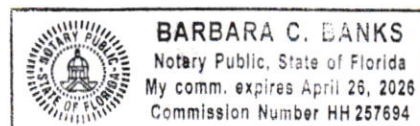
Sworn to and subscribed before me

this 21st day of November, 2025 by

MELVIN T. TOWLES; who is personally known to me.



Notary Public, State of Florida



IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E. Summerlin St., Bartow, FL 33830
25-30-05-381000-000251

HIGHLAWN ADD PB 1 PG 111 LOTS 25 TO 27, as recorded in the Public Records of
Polk County, Florida

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD, LLC.,
Respondent(s).

AFFIDAVIT OF SERVICE

I, **M. Tray Towles**, Code Enforcement Investigator, state as follows:

1. On 11/10/2025, I sent a copy of:

- ☐ Notice of Violation
☐ Notice of Hearing
☒ Notice of Hearing: Certification of Fines
☐ Notice and Order of Demolition
☐ Order Finding Violation
☐ Order Imposing Fine

Affidavit of: ☐ Non-Compliance ☐ Compliance
☐ Order Authorizing Initiation of Demolition Process
☐ Final Order Authorizing Demolition of Structure
☐ Order on Request to Reduce Fine
☐ Other: _____

Via ☒ Certified Mail ☒ First Class Mail ☐ Other: _____

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website:
1395 E. Main Street, Bartow, FL 33830-5008.

2. On 11/10/2025, I posted a copy of the same at the above-described property; and

3. On 11/10/2025, I posted a copy of the same at City Hall.

4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as
attested to by the following signature: _____

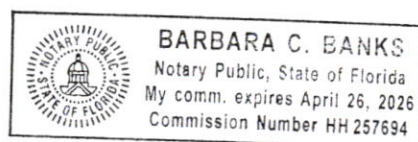

M. Tray Towles
Director
Code Compliance & Neighborhood Services

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or _____ online notarization,
an officer duly authorized to administer oaths and take acknowledgements, personally
appeared M. Tray Towles, who is personally known to me to be the person described in and who executed
the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 10th Day of November,
2025.


Notary Public



7020 3160 0001 3389 8524

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| ☐ Return Receipt (hardcopy) | \$ | |
| ☐ Return Receipt (electronic) | \$ | |
| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

Postmark
Here

64582

Postage

HERCULES GREEK GOD, LLC
1395 E. MAIN ST.
BARTOW FL 33830-5008

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E Summerlin St, Bartow, FL 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS
OF POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

**NOTICE OF HEARING
CERTIFICATION OF FINES**

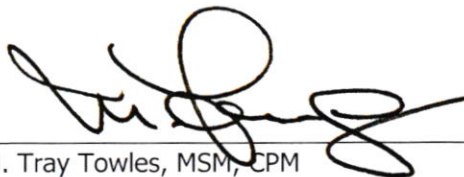
You are hereby notified that on November 25, 2025, at 9:00 A.M. in City Commission Chambers, in City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a Hearing will be held before the City of Bartow Special Magistrate to consider an Affidavit of Non-Compliance and Fine Certifications for violations at the above-referenced address.

Please be advised that the procedures of the Hearing are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

**FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN
ABSENTIA AND A LIEN AGAINST YOUR REAL OR PERSONAL PROPERTY BEING ENTERED,
WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY OR FORECLOSURE ON REAL
PROPERTY.**

The burden is upon the Respondent to request a re-inspection to determine if the property has been brought into compliance. If you have any questions regarding this notice or need to schedule a re-inspection, call the Office of Code Compliance & Neighborhood Services at **863-534-5034**.

November 10, 2025
Date



M. Tray Towles, MSM, CPM
Director
Office of Code Compliance & Neighborhood Services

CASE NO.: 64582

IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830

25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC,
Respondent(s).

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on November 25, 2025, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):

- ☐ Appeared;
☐ Did not appear; or
☐ Was/were represented by _____.

2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above-described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on 01/30/2024, and at such hearing, the Code Enforcement Special Magistrate ordered the Respondent(s) to correct said violation(s) within 60 days or face imposition of a presumed fine in the amount of \$150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☐ has not been brought into compliance.
☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ☐ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☐ This Order is supplemental to (a) previous order(s) of the Special Magistrate dated 04/30/2024.
- ☐ Respondent(s) pay a total fine of **\$91,090.03**. Said amount is the total of adding:
- **\$90,750.00** Violation Amount (calculated as **\$150.00** per day for the **605** days the violation(s) continued past the date set for compliance (**03/30/2024 – 11/25/2025**) or \$_____ for _____ times violation has been repeated);
 - **\$134.60** Original Costs;
 - **\$134.60** Supplemental Costs (**04/25/2024**).
 - **\$70.83** Supplemental Costs (**11/25/2025**).

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.
- ☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this ____ day of _____ at Bartow, Polk County, Florida.

ATTEST:

JACKI POOLE
Secretary to the Special Magistrate

JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582
Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008



INSTR # 2024152988
 BK 13175 Pgs 1395-1397 PG(s)3
 RECORDED 07/02/2024 04:17:16 PM
 STACY M. BUTTERFIELD, CLERK OF COURT
 POLK COUNTY
 RECORDING FEES \$27.00
 RECORDED BY abiazamb

CASE NO.: 64582

**IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830
 25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO
 THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF
 POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
 Petitioner**

v.

**HERCULES GREEK GOD LLC,
 Respondent(s).**

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on April 30, 2024, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):

- ☐ Appeared;
☒ Did not appear; or
☐ Was/were represented by _____.

2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on 1/30/24, and at such hearing, the Code Enforcement Special Magistrate ordered the Respondent(s) to correct said violation(s) within 60 days or face imposition of a presumed fine in the amount of \$ 150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☒ has not been brought into compliance.
☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ☒ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

☒ This Order is supplemental to (a) previous order(s) of the Special Magistrate dated 1/30/24

- ☒ Respondent(s) pay a total fine of \$ 5,059.20. Said amount is the total of adding:
- \$ 4800.00 Violation Amount (calculated as \$ 150.00 per day for the 32 days the violation(s) continued past the date set for compliance (3/30/24 - 4/30/24) or \$ _____ for _____ times violation has been repeated);
 - \$ 134.60 Original Costs;
 - \$ 134.60 Supplemental Costs.

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.

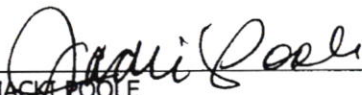
☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 30th day of April, 2024, at Bartow, Polk County, Florida.

ATTEST:


JACKI POOLE
Secretary to the Special Magistrate

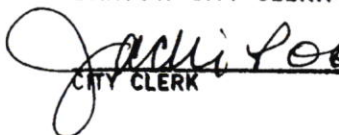

JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582
Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008



CERTIFIED AS A TRUE AND CORRECT
COPY OF RECORDS ON FILE IN THE
BARTOW CITY CLERK'S OFFICE.

Page 3 of 3


CITY CLERK
DATE 4/30/24

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E Summerlin St, Bartow, FL 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS
OF POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

**NOTICE OF HEARING
CERTIFICATION OF FINES**

You are hereby notified that on April 30, 2024, at 9:00 A.M. in City Commission Chambers, in City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a Hearing will be held before the City of Bartow Special Magistrate to consider an Affidavit of Non-Compliance and Fine Certifications for violations at the above-referenced address.

Please be advised that the procedures of the Hearing are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

**FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN
ABSENTIA AND A LIEN AGAINST YOUR REAL OR PERSONAL PROPERTY BEING ENTERED,
WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY OR FORECLOSURE ON REAL
PROPERTY.**

The burden is upon the Respondent to request a re-inspection to determine if the property has been brought into compliance. If you have any questions regarding this notice or need to schedule a re-inspection, call your Code Enforcement Officer at **863-534-0157**.

April 15, 2024
Date



Code Enforcement Inspector

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E SUMMERLIN ST
25-30-05-381000-000251
HIGHLAWN ADD PB 1 PG 111 LOTS 25 TO 27**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

HERCULES GREEK GOD LLC

Respondent(s).

AFFIDAVIT OF SERVICE

I, **BRANDON ALTMAN**, Code Enforcement Officer, state as follows:

1. On 04/15/2024, I sent a copy of:

- ☐ Notice of Violation and Notice of Hearing
- ☒ Notice of Hearing: Certification of Fines
- ☐ Notice of Hearing: Demolition
- ☐ Order Finding Violation
- ☐ Order Imposing Fine

Affidavit of: ☒ Non-Compliance ☐ Compliance

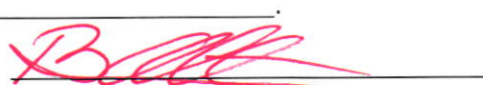
- ☐ Order Authorizing Initiation of Demolition Process
- ☐ Final Order Authorizing Demolition of Structure
- ☐ Order on Request to Reduce Fine
- ☐ Demand For Removal

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website: 1395 E MAIN ST, BARTOW FL 33830-5008

2. On 04/15/2024, I posted a copy of the same at the above-described property; and

3. On 04/15/2024 I posted a copy of the same at City Hall.

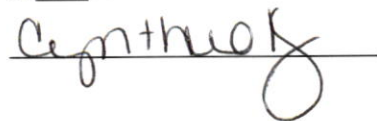
4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as attested to by the following signature: _____.

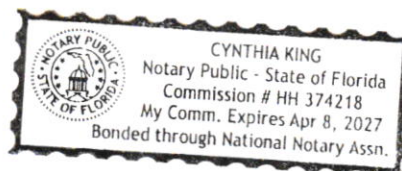

BRANDON ALTMAN
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman, who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 15 Day of April, 2024.





U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

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Extra Services & Fees (check box, add fee as appropriate)

- ☐ Return Receipt (hardcopy) \$
- ☐ Return Receipt (electronic) \$
- ☐ Certified Mail Restricted Delivery \$
- ☐ Adult Signature Required \$
- ☐ Adult Signature Restricted Delivery \$

Postmark
Here

Postage

\$

Total Postage and Fees

\$

Sent To

64582 CORNING

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

7020 3160 0001 3389 7633

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E Summerlin St, Bartow, FL 33830
25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS
OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC,
Respondent(s).

AFFIDAVIT OF NON-COMPLIANCE

I, **BRANDON ALTMAN**, have personally examined the property described in the Special Magistrate Order dated January 30, 2024 in the above-styled case, and find that said property is **not** in compliance of the following code(s) of the City of Bartow as of April 15, 2024.

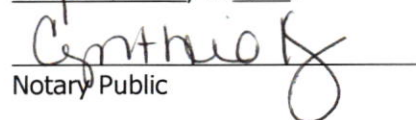
<u>CODE</u>	<u>DESCRIPTION</u>	<u>NOTES</u>
1. COO 18-3 Permit for Construction Required	<u>The fence was never permitted when it was constructed</u>	<u>Hire a contractor to pull a permit for the fence and ensure it passes final inspection</u>

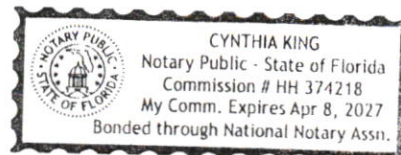

BRANDON ALTMAN
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 15 Day of April, 2024.


Notary Public



SUPPLEMENTAL AFFIDAVIT OF COSTS

CASE #: 64582

Code Enforcement Investigator: BRANDON ALTMAN

VIOLATION LOCATION: 1310 E SUMMERLIN ST, BARTOW, FL 33830

Parcel #: 25-30-05-381000-000251

3	SITE INSPECTION FEE @ \$25.00 EACH SITE INSPECTION	75.00
2	CERTIFIED MAIL @ \$6.80 EACH	13.60
1	REGULAR MAIL @ \$0.50 EACH	.50
0	CONTRACTOR/CITY CHARGE CLEARING VIOLATION	0
1	DOCUMENT RECORDING FEE X 45.50	45.50
0	TITLE REPORT FEE X \$200.00	0
	TOTAL COSTS INVOLVED IN THIS CASE:	134.60

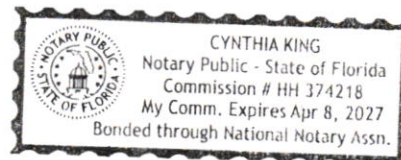
I certify that the itemized costs listed accurately reflect those costs incurred in the investigation of this case.

Date: 4.25.24 INVESTIGATOR: *Brandon Altman*

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 25 Day of April, 2024
Cynthia King
Notary Public



IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E SUMMERLIN ST
25-30-05-381000-000251
HIGHLAWN ADD PB 1 PG 111 LOTS 25 TO 27

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC

Respondent(s).

AFFIDAVIT OF SERVICE

I, **BRANDON ALTMAN**, Code Enforcement Officer, state as follows:

1. On 05/06/2024, I sent a copy of:

- ☐ Notice of Violation and Notice of Hearing
☐ Notice of Hearing: Certification of Fines
☐ Notice of Hearing: Demolition
☐ Order Finding Violation
☒ Order Imposing Fine

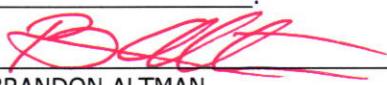
- Affidavit of: ☐ Non-Compliance ☐ Compliance
☐ Order Authorizing Initiation of Demolition Process
☐ Final Order Authorizing Demolition of Structure
☐ Order on Request to Reduce Fine
☐ Demand For Removal

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website: 1395 E MAIN ST, BARTOW FL 33830-5008

2. On _____, I posted a copy of the same at the above-described property; and

3. On _____ I posted a copy of the same at City Hall.

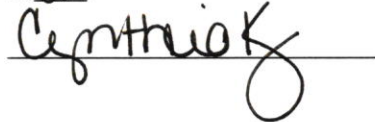
4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as attested to by the following signature: _____

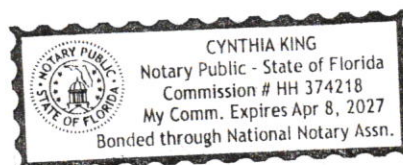

BRANDON ALTMAN
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 6 Day of May, 2024.





7020 3160 0001 3389 0412

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
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☐ Return Receipt (electronic) \$	
☐ Certified Mail Restricted Delivery \$	64582 01F
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage	
\$	
Total Postage and Fees	
\$	
Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830
25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF
POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC,
Respondent(s).

ORDER FINDING VIOLATION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on **JANUARY 30TH, 2024** after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4) and 162.08(5), Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):
☐ Appeared;
☐ Did not appear; or
☒ Was/were represented by _____.
2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. Such conditions:

- ☐ continue to exist as of the date of this Order;
- ☐ were remedied prior to Hearing, having existed from the date the violation was first observed by the Code Enforcement Officer, _____, through _____, for a total of _____ days; or
- ☒ were remedied in part (Violation(s) # 142) and continue in part (Violation(s) # 3).

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

CONCLUSIONS OF LAW

5. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

6. The above stated facts ☒ **do** ☐ **do not** constitute a violation of the specific section(s) of the City Code cited in paragraph 2 herein.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☐ The evidence presented did not support the violation cited. The case is hereby **DISMISSED**.
- ☐ Violations did exist at the subject property but have been remedied. No fine will be imposed in this matter. However, future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- ☐ Respondent(s) admit(s) to the violation(s) and request(s) additional time to comply. Respondent(s) has/have waived any defenses to the violation(s). Respondent(s) shall have _____ days (on or before _____) to comply or a \$_____ per day fine may be imposed.
- ☒ Respondent(s) have 60 days (on or before 3/30/24) for total compliance or a \$ 150.00 per day fine will be imposed.
- ☐ Violation(s) number(s) _____ as identified above is/are irreparable or irreversible in nature. A one-time fine of \$_____ is imposed against the Respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- ☐ Pursuant to § 162.08(5), Fla. Stat., the Code Enforcement Division of the City of Bartow is hereby authorized to **SECURE** the safety condition(s) on the subject property and assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ The City of Bartow is hereby authorized to **ABATE** the violation(s) named herein in accordance with § 162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs,

the City of Bartow may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.

- ☒ Respondent(s) shall be responsible for costs incurred by the City of Bartow in prosecuting this case totaling \$ 124.60. The costs shall be paid in full within 30 days of this Order (by 2/29/24, at 5:00 p.m.). If unpaid within that time, the costs will be assessed against the subject property as a lien, and this Order, or a subsequent Order Imposing Fine, may be recorded in the Public Records of Polk County as evidence thereof.

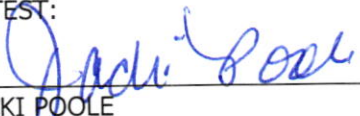
☐

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

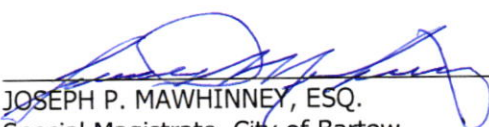
THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 30th day of Jan., 2024, at Bartow, Polk County, Florida.

ATTEST:



JACKI POOLE
Secretary to the Special Magistrate



JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582
Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008



CERTIFIED AS A TRUE AND CORRECT
COPY OF RECORDS ON FILE IN THE
BARTOW CITY CLERK'S OFFICE.

 01-30-2024
CITY CLERK DATE

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF
POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

ORDER FINDING VIOLATION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on **NOVEMBER 28TH, 2023** after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4) and 162.08(5), Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):
 - ☐ Appeared;
 - ☐ Did not appear; or
 - ☒ Was/were represented by Hercules Mallas, Manager.
2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. Such conditions:
- ☐ continue to exist as of the date of this Order;
 - ☐ were remedied prior to Hearing, having existed from the date the violation was first observed by the Code Enforcement Officer, _____, through _____, for a total of _____ days; or
 - ☒ were remedied in part (Violation(s) # 1, 2) and continue in part (Violation(s) # 3).

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

CONCLUSIONS OF LAW

5. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

6. The above stated facts ☐ **do** ☒ **do not** constitute a violation of the specific section(s) of the City Code cited in paragraph 2 herein.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☐ The evidence presented did not support the violation cited. The case is hereby **DISMISSED**.
- ☐ Violations did exist at the subject property but have been remedied. No fine will be imposed in this matter. However, future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- ☐ Respondent(s) admit(s) to the violation(s) and request(s) additional time to comply. Respondent(s) has/have waived any defenses to the violation(s). Respondent(s) shall have _____ days (on or before _____) to comply or a \$_____ per day fine may be imposed.
- ☐ Respondent(s) have _____ days (on or before _____) for total compliance or a \$_____ per day fine will be imposed.
- ☐ Violation(s) number(s) _____ as identified above is/are irreparable or irreversible in nature. A one-time fine of \$_____ is imposed against the Respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- ☐ Pursuant to § 162.08(5), Fla. Stat., the Code Enforcement Division of the City of Bartow is hereby authorized to **SECURE** the safety condition(s) on the subject property and assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ The City of Bartow is hereby authorized to **ABATE** the violation(s) named herein in accordance with § 162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs,

the City of Bartow may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.

- ☐ Respondent(s) shall be responsible for costs incurred by the City of Bartow in prosecuting this case totaling \$_____. The costs shall be paid in full within _____ days of this Order (by _____, at 5:00 p.m.). If unpaid within that time, the costs will be assessed against the subject property as a lien, and this Order, or a subsequent Order Imposing Fine, may be recorded in the Public Records of Polk County as evidence thereof.

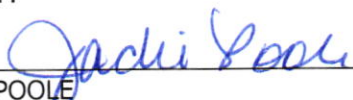
☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

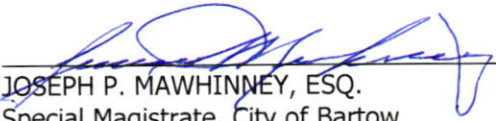
THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 28 day of Nov., 2023, at Bartow, Polk County, Florida.

ATTEST:



JACKI POOLE
Secretary to the Special Magistrate

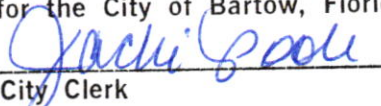


JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582

Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008

Certified as the true and original record
on file in the Office of the City Clerk
for the City of Bartow, Florida.



City Clerk

11/28/2023
Date



BARTOW CODE ENFORCEMENT



NOTICE OF VIOLATION AND NOTICE OF HEARING

City of Bartow, Petitioner
vs

Case # **64582**

HERCULES GREEK GOD LLC
1310 E SUMMERLIN ST, BARTOW FL 33830

Notice is hereby given of violation(s) of the Code of Ordinances of the City of Bartow, as follows:

1. Date violation observed and description of violation:

**11/09/2023: MINIMUM PROPERTY MAINTENANCE STANDARDS:
302.4 WEEDS AND OVERGROWTH**

****REMOVE ALL OVERGROWTH OF GRASS AND WEEDS FROM YOUR PROPERTY****

11/09/2023: CITY OF BARTOW CODE OF ORDINANCES:

**SEC. 66-28. ADJACENT OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS TO BE KEPT
FREE OF WEEDS**

****REMOVE ALL OVERGROWTH OF GRASS AND WEEDS FROM THE CITY RIGHT-OF-WAY ADJACENT TO YOUR
PROPERTY****

SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

****THE FENCE ON THE PROPERTY WAS CONSTRUCTED WITHOUT A PERMIT. REMOVE THE FENCE FROM THE
PROPERTY OR CALL THE CITY OF BARTOW BUILDING DEPARTMENT AT 863-534-0157 TO OBTAIN A FENCE
PERMIT****

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the *Florida Building Code* as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

2. Violation Address: 1310 E SUMMERLIN ST, BARTOW FL 33830
Parcel ID: 25-30-05-381000-000251

3. Notice given by Certified Mail on **11/09/2023** to **HERCULES GREEK GOD LLC at 1395 E MAIN
ST, BARTOW FL 33830-5008**

4. Date by which violation(s) are to be corrected to avoid fines: 11/27/2023

It is your responsibility to call Bartow Code Enforcement at 863-534-0157 and request a re-inspection.

If you fail to correct the above described violation(s) by the date shown in number 4, your case will be presented before the Special Magistrate as stated below in accordance with Florida Statute 162. Administration Costs and/or fines may be assessed against you at that time.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on **11/28/2023 at **9:00 A.M.** in the City Commission Chambers, City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a public hearing will be conducted by the Special Magistrate in the above styled cause in accordance with Florida Statute 162.07 to determine whether you have violated one or more provisions and/or sections of the Code of Ordinances of the City of Bartow.**

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Special Magistrate upon proper request to the Recording Secretary of the Special Magistrate within five business days at (863) 534-0100 ext. 1254.

You are requested to appear before the Special Magistrate at that time to answer and defend allegations that you have violated the cited provisions of the Code of Ordinances of the City of Bartow noted above.

If you fail to attend, the Special Magistrate may base its findings and act solely on the presentation made by the City.

If the Special Magistrate finds that you have committed any violation(s), the Special Magistrate may order immediate compliance with the Code and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed NOT TO EXCEED \$250.00 per day for a first violation and NOT TO EXCEED \$500.00 per day for a repeat violation for the period of non-compliance.

Please be advised that the case may be presented to the Special Magistrate and fines and costs may be assessed against you **EVEN IF THE VIOLATION HAS BEEN CORRECTED** prior to the scheduled hearing if (1) the violation was not corrected by the time specified by the Code Inspector, or: (2) the violation has been corrected and then recurred.

If any decision of the Special Magistrate affects you and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

(THE ABOVE NOTICE IS REQUIRED BY STATE LAW. ANYONE DESIRING A VERBATIM TRANSCRIPT SHALL HAVE THE RESPONSIBILITY AT HIS/HER OWN COSTS TO ARRANGE FOR THE TRANSCRIPT.)

Please be advised that the procedures of the Special Magistrate are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at the Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN ABSENTIA AND A LIEN BEING IMPOSED AGAINST YOUR REAL AND PERSONAL PROPERTY WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY AND FORECLOSURE ON REAL PROPERTY.



Brandon Altman
Code Enforcement Investigator
City of Bartow
P.O. Box 1069
450 N. Wilson Avenue
Bartow, FL 33830

BARTOW CODE ENFORCEMENT



450 N. WILSON AVENUE/P.O. BOX 1069 BARTOW, FL 33830
863-534-0100/FAX 863-519-8686

MINIMUM PROPERTY MAINTENANCE STANDARDS VIOLATIONS

302.4 Weeds and overgrowth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the code official; provided further however that all noxious weeds shall be prohibited.

CITY OF BARTOW CODE OF ORDINANCES VIOLATIONS

Sec. 66-28. - Adjacent owners to maintain parkways and swales; sidewalks to be kept free of weeds.

- (c) Every owner, tenant, licensee, lessee, occupant, agent and person or entity entrusted with the care, custody or control of real property that shares a common boundary with a municipal street right-of-way shall keep all sidewalks, driveway aprons, driveways, curbing and pavement edges found lying within abutting publicly-owned parkways or swales adjacent to the real property reasonably free of weeds and vegetation.

Sec. 18-3. - Permit for construction required.

Permits shall be procured from the building official by every person, contractor, or subcontractor before:

- (1) Doing any work that requires issuance of a permit under Section 105.1 of Chapter 1—Administration of Florida Building Code: Building or F.S. Chapter 553;

BARTOW CODE ENFORCEMENT



- (2) Doing any electrical wiring or rewiring or altering, changing or attaching to any existing wiring within the corporate limits of the city, or doing any electrical wiring outside of the city limits that will receive electrical energy from city lines;
- (3) Doing any plumbing work or altering, changing or attaching to any existing plumbing;
- (4) Doing any structural work of any character, whether permanent or temporary; and
- (5) Doing any nonstructural work where the cost of materials exceeds \$800.00.

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 19394

IN RE: 3505 Hwy. 60 E., Bartow, FL 33830
25-30-02-000000-033050

BEG N1/4 COR RUN N 1 DEG 29 MIN 45 SEC W 11.30 FT S 88 DEG 30 MIN 15 SEC W 669.01
FT S 89 DEG 30 MIN 15 SEC W 996.51 FT S 0 DEG 29 MIN 45 SEC E 33 FT TO BEG S 280 FT W
65 FT S 361.47 FT N 26 DEG 44 MIN 00 SEC W 714.51 FT N 89 DEG 30 MIN 15 SEC E 386.42
FT TO BEG, AS RECORDED IN THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

JEFFREY HOLDEN,
Respondent(s).

AFFIDAVIT OF SERVICE

I, **M. Tray Towles**, Code Enforcement Investigator, state as follows:

1. On 11/10/2025, I sent a copy of:

- ☐ Notice of Violation
☐ Notice of Hearing
☒ Notice of Hearing: Certification of Fines
☐ Notice and Order of Demolition
☐ Order Finding Violation
☐ Order Imposing Fine

Affidavit of: ☐ Non-Compliance ☐ Compliance
☐ Order Authorizing Initiation of Demolition Process
☐ Final Order Authorizing Demolition of Structure
☐ Order on Request to Reduce Fine
☐ Other: _____

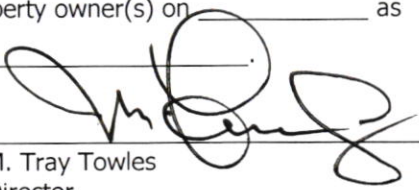
Via ☒ Certified Mail ☒ First Class Mail ☐ Other: _____

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website:
1601 N 39TH ST, TAMPA FL 33605-5852.

2. On 11/10/2025, I posted a copy of the same at the above-described property; and

3. On 11/10/2025, I posted a copy of the same at City Hall.

4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as
attested to by the following signature: _____

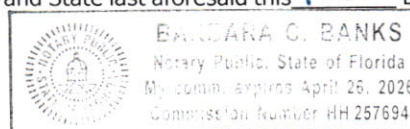

M. Tray Towles
Director
Code Compliance & Neighborhood Services

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or _____ online notarization,
an officer duly authorized to administer oaths and take acknowledgements, personally
appeared M. Tray Towles, who is personally known to me to be the person described in and who executed
the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 10th Day of November,
2025.


Notary Public



7020 3160 0001 3389 8531

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| ☐ Return Receipt (hardcopy) | \$ | |
| ☐ Return Receipt (electronic) | \$ | |
| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

Postage

Postmark
Here

19394

JEFFREY HOLDEN
1601 N. 39TH ST.
TAMPA, FL 33605-5852

CITY OF BARTOW CODE COMPLIANCE
SUPPLEMENTAL AFFIDAVIT OF COST

Respondents: Jeffrey Holden
1601 N. 39th Street
Tampa, FL 33605-5852

Case No.: 19394

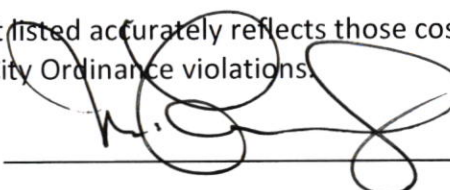
Violation Location: 3505 Hwy 60 East, Bartow, FL 33830

Parcel ID: 25-30-02-000000-033050

	SITE INSPECTION FEE @ \$25.00 EACH SITE INSPECTION	25.00
	CERTIFIED MAIL @ \$9.64 EACH	9.64
	REGULAR MAIL @ \$0.69 EACH	.69
	CONTRACTOR/CITY CHARGE CLEARING VIOLATION	
	DOCUMENT RECORDING FEE @ \$35.50	35.50
	DAYS OF FINE @	
	TOTAL COST INVOLVED IN THIS CASE	\$70.83

I, Melvin T. Towles, certify that the itemized cost listed accurately reflects those costs incurred in the investigation of this case/respondent for City Ordinance violations.

DATE: 11/20/2025

INVESTIGATOR: 

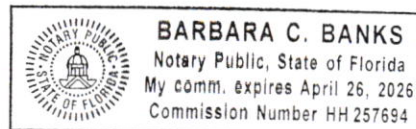
STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Melvin T. Towles, who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 20th Day of November, 2025.



Notary Public



CASE NO.: 19394

IN RE: 3505 Hwy. 60 E., Bartow, FL 33830
25-30-02-000000-033050

BEG N1/4 COR RUN N 1 DEG 29 MIN 45 SEC W 11.30 FT S 88 DEG 30 MIN 15 SEC W
669.01 FT S 89 DEG 30 MIN 15 SEC W 996.51 FT S 0 DEG 29 MIN 45 SEC E 33 FT TO
BEG S 280 FT W 65 FT S 361.47 FT N 26 DEG 44 MIN 00 SEC W 714.51 FT N 89 DEG 30
MIN 15 SEC E 386.42 FT TO BEG, AS RECORDED IN THE PUBLIC RECORDS OF POLK
COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.
JEFFREY HOLDEN,
Respondent(s).

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on November 25, 2025, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):
☐ Appeared;
☐ Did not appear; or
☐ Was/were represented by _____.
2. On or about **MAY 5, 2011**, there existed at or on the above-described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

(1) CODE OF ORD. § SEC. 38-26 – ACCUMULATION OF DEBRIS

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on **May 31, 2011**, and at such hearing, the Code

Enforcement Special Magistrate ordered the Respondent(s) to correct said violation(s) within 15 days or face imposition of a presumed fine in the amount of \$150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☐ has not been brought into compliance.
- ☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ☐ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

☐ This Order is supplemental to (a) previous order(s) of the Special Magistrate dated 05/31/2011, 09/25/2018, and 09/24/2019.

- ☐ Respondent(s) pay a total fine of \$ **791,939.64**. Said amount is the total of adding:
- \$791,550.00 Violation Amount (calculated as \$**150.00** per day for the **5277** days the violation(s) continued past the date set for compliance (**06/15/2011** – **11/25/2025**) or \$_____ for _____ times violation has been repeated);
 - \$0.00 Original Costs;
 - \$191.01 Supplemental Costs (**08/31/2018**).
 - \$127.80 Supplemental Costs (**09/18/2019**).
 - \$70.83 Supplemental Costs (**11/19/2025**).

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

CASE NO.: 19394

IN RE: 3505 Hwy. 60 E., Bartow, FL 33830

25-30-02-000000-033050

BEG N1/4 COR RUN N 1 DEG 29 MIN 45 SEC W 11.30 FT S 88 DEG 30 MIN 15 SEC
W 669.01 FT S 89 DEG 30 MIN 15 SEC W 996.51 FT S 0 DEG 29 MIN 45 SEC E 33 FT
TO BEG S 280 FT W 65 FT S 361.47 FT N 26 DEG 44 MIN 00 SEC W 714.51 FT N 89
DEG 30 MIN 15 SEC E 386.42 FT TO BEG, AS RECORDED IN THE PUBLIC
RECORDS OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,

Petitioner

v.

JEFFREY HOLDEN,

Respondent(s).

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority personally appeared, Melvin T. Towles, Code Compliance Investigator for the City of Bartow's Office of Code Compliance and Neighborhood Services, who, after being duly sworn, deposes and says that a reinspection, performed on 11/20/2025 revealed the corrective action ordered by the Code Enforcement Special Magistrate had not been taken in that:

(1) The violation of CODE OF ORD. § SEC. 38-26 – ACCUMULATION OF DEBRIS remains in non-compliance.

FURTHER AFFIANT SAYETH NOT.

DATED 20th DAY OF November, 2025



Certified Code Compliance Investigator

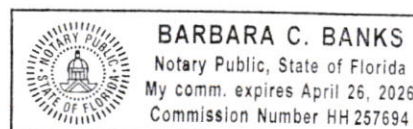
Sworn to and subscribed before me

this 20th day of November, 2025 by

MELVIN T. TOWLES; who is personally known to me.



Notary Public, State of Florida



- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.
- ☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this ____ day of _____ at Bartow, Polk County, Florida.

ATTEST:

JACKI POOLE
Secretary to the Special Magistrate

JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 19394
Mailings: JEFFREY HOLDEN, 1601 N 39TH ST, TAMPA FL 33605-5852

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 19394

**IN RE: 3505 Hwy. 60 E., Bartow, FL 33830
25-30-02-000000-033050**

**BEG N1/4 COR RUN N 1 DEG 29 MIN 45 SEC W 11.30 FT S 88 DEG 30 MIN 15 SEC W
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COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**JEFFREY HOLDEN,
Respondent(s).**

**NOTICE OF HEARING
CERTIFICATION OF FINES**

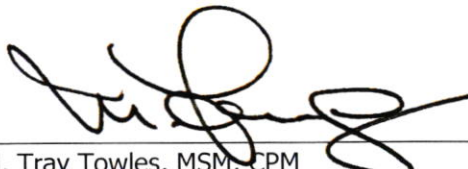
You are hereby notified that on November 25, 2025, at 9:00 A.M. in City Commission Chambers, in City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a Hearing will be held before the City of Bartow Special Magistrate to consider an Affidavit of Non-Compliance and Fine Certifications for violations at the above-referenced address.

Please be advised that the procedures of the Hearing are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

**FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN
ABSENTIA AND A LIEN AGAINST YOUR REAL OR PERSONAL PROPERTY BEING ENTERED,
WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY OR FORECLOSURE ON REAL
PROPERTY.**

The burden is upon the Respondent to request a re-inspection to determine if the property has been brought into compliance. If you have any questions regarding this notice or need to schedule a re-inspection, call the Office of Code Compliance & Neighborhood Services at **863-534-5034**.

November 10, 2025
Date



M. Tray Towles, MSM, CPM
Director
Office of Code Compliance & Neighborhood Services

BARTOW CODE ENFORCEMENT



NOTICE OF VIOLATION AND NOTICE OF HEARING

City of Bartow, Petitioner
vs
DAWN RIDER INC
6915 POLEY CREEK DR W
LAKELAND FL 33811

Case # 19394

Notice is hereby given of violation(s) of the Code of Ordinances of the City of Bartow, as follows:

1. Date violation observed and description of violation:
5/06/2011 - ACCUMULATION OF TRASH/DEBRIS : LARGE AMOUNT OF OLD PALLETS & CONSTRUCTION DEBRIS ON PROPERTY****
2. Violation Address: 3505 E HWY 60 & ADJOINING PARCELS
Parcel ID: 25-30-02-000000-033050, 25-30-02-000000-033110, 25-30-02-000000-033070, 25-30-02-000000-033100, 25-30-02-000000-033030
3. Notice given by Certified Mail on 05/12/2011 to DAWN RIDER INC at 6915 POLEY CREEK DR W LAKELAND FL 33811
4. Date by which violation(s) are to be corrected to avoid fines: **05/22/2011**

It is your responsibility to call Bartow Code Enforcement at 863-534-0100 ext. 2411 OR 2412 and request a re-inspection. If you fail to correct the above described violation(s) by the date shown in number 4, your case will be presented before the Code Enforcement Board as stated below in accordance with Florida Statute 162. Administration Costs and/or fines may be assessed against you at that time.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on 05/31/2011 at 5:30 pm, in the City Commission Chambers, City Hall, Bartow, FL a public hearing will be conducted by the Code Enforcement Board in the above styled cause in accordance with Florida Statute 162.07 to determine whether you have violated one or more provisions and/or sections of the Code of Ordinances of the City of Bartow.

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Board upon proper request to the Recording Secretary of the Board within five business days at (863) 534-0100.

You are requested to appear before the Board at that time to answer and defend allegations that you have violated the cited provisions of the Code of Ordinances of the City of Bartow noted above.

If you fail to attend, the Board may base its findings and act solely on the presentation made by the City.

If the Board finds that you have committed any violation(s), it may order immediate compliance with the Code and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed NOT TO EXCEED \$250.00 per day for a first violation and NOT TO EXCEED \$500.00 per day for a repeat violation for the period of non-compliance.

Please be advised that the case may be presented to the Code Enforcement Board even if the violation has been corrected prior to the scheduled board hearing if (1) the violation was not corrected by the time specified by the Code Inspector, or: (2) the violation has been corrected and then recurred.

If any decision of the Code Enforcement Board affects you and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

(THE ABOVE NOTICE IS REQUIRED BY STATE LAW. ANYONE DESIRING A VERBATIM TRANSCRIPT SHALL HAVE THE RESPONSIBILITY AT HIS/HER OWN COSTS TO ARRANGE FOR THE TRANSCRIPT.)

Please be advised that the procedures of the Board are governed by the Rules of the Code Enforcement Board and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at the Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN ABSENTIA AND A LIEN BEING IMPOSED AGAINST YOUR REAL AND PERSONAL PROPERTY WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY AND FORECLOSURE ON REAL PROPERTY.

Signed this 12TH day of MAY, 2011



Ken Wiggins
Code Enforcement Investigator
City Of Bartow
P.O. Box 1069
450 N. Wilson Avenue
Bartow, FL 33830

kwiggins.cod

5/06/2011

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 19394

**IN RE: 3505 HWY 60 E., BARTOW, FL 33830
25-30-02-000000-033050**

BEG N1/4 COR RUN N 1 DEG 29 MIN 45 SEC W 11.30
FT S 88 DEG 30 MIN 15 SEC W 669.01 FT S 89 DEG 30
MIN 15 SEC W 996.51 FT S 0 DEG 29 MIN 45 SEC E 33
FT TO BEG S 280 FT W 65 S 361.47 FT N 26 DEG 44
MIN 00 SEC W 714.51 FT N 89 DEG 30 MIN 15 SEC E
386.42 FT TO BEG

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**JEFFREY HOLDEN,
Respondent(s).**

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on September 24, 2019, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):



Appeared;



Did not appear; or



Was/were represented by _____.

2. On or about **May 5, 2011**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations:

1. CITY ORD. CO CH 38-26 – ACCUMULATION OF DEBRIS

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord.*

of the City of Bartow, Fla. References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on May 31, 2011, and at such hearing, the Code Enforcement Board ordered the Respondent(s) to correct said violation(s) within 15 days or face imposition of a presumed fine in the amount of \$150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☒ has not been brought into compliance.
☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ~~do~~ ☒ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☒ This Order is supplemental to (a) previous order(s) of the Special Magistrate dated 5/31/11 + 9/25/18.
- ☒ Respondent(s) pay a total fine of \$ 453,450.81. Said amount is the total of adding:
- \$ 453,450.00 Violation Amount (calculated as \$150.00 per day for the 3,023 days the violation(s) continued past the date set for compliance (June 15, 2011 – 9/24/19) or \$_____ for _____ times violation has been repeated);
 - \$ 0.00 Original Costs;
 - \$ 318.81 Supplemental Costs.

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

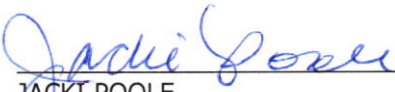
- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.
- ☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a hearing to challenge the fine and the resulting lien within twenty (20) days from the date of rendition of this Order. If you fail to timely request such hearing within twenty (20) days of its date of rendition, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat. by filing a timely Notice of Appeal with the Secretary to the Special Magistrate and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 24th day of Sept. 2019 at Bartow, Polk County, Florida.

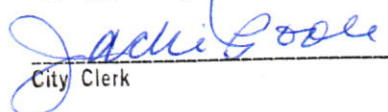
ATTEST:


JACKI POOLE
Secretary to the Special Magistrate


JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 19394
Mailings: Jeffrey Holden, 1601 N. 39th St., Tampa, FL 33605

Certified as the original record on file
in the City Clerk's Office in Bartow, FL


City Clerk

9-24-19
Date



INSTR # 2018229835
 BK 10658 Pgs 1476-1478 PG(s)3
 RECORDED 11/01/2018 10:02:16 AM
 STACY M. BUTTERFIELD, CLERK OF COURT
 POLK COUNTY
 RECORDING FEES \$27.00
 RECORDED BY Jasscast

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 19394

**IN RE: 3505 HWY 60 E., BARTOW, FL 33830
 25-30-02-000000-033050**

BEG N1/4 COR RUN N 1 DEG 29 MIN 45 SEC W 11.30
 FT S 88 DEG 30 MIN 15 SEC W 669.01 FT S 89 DEG 30
 MIN 15 SEC W 996.51 FT S 0 DEG 29 MIN 45 SEC E 33
 FT TO BEG S 280 FT W 65 S 361.47 FT N 26 DEG 44
 MIN 00 SEC W 714.51 FT N 89 DEG 30 MIN 15 SEC E
 386.42 FT TO BEG

**CITY OF BARTOW, a Florida municipal corporation,
 Petitioner**

v.

**JEFFREY HOLDEN,
 Respondent(s).**

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on September 25, 2018, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):

- ☐ Appeared;
☒ Did not appear; or
☐ Was/were represented by _____.

2. On or about May 5, 2011, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations:

1. CITY ORD. CO CH 38-26 – ACCUMULATION OF DEBRIS

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord.*

of the City of Bartow, Fla. References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on May 31, 2011, and at such hearing, the Code Enforcement Board ordered the Respondent(s) to correct said violation(s) within 15 days or face imposition of a presumed fine in the amount of \$150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☒ has not been brought into compliance.
☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ☒ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☒ This Order is supplemental to (a) previous order(s) of the ~~Special Magistrate~~ ^{Code Enforcement Board} dated 5/31/11.
- ☒ Respondent(s) pay a total fine of \$ 399,041.01. Said amount is the total of adding:
- \$ 398,850.00 Violation Amount (calculated as \$150.00 per day for the 2669 days the violation(s) continued past the date set for compliance (June 15, 2011 - 9/25/18) or \$ _____ for _____ times violation has been repeated);
 - \$ 0.00 Original Costs;
 - \$ 191.01 Supplemental Costs.

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

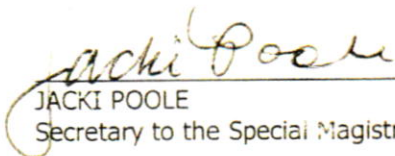
- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.
- ☐ _____

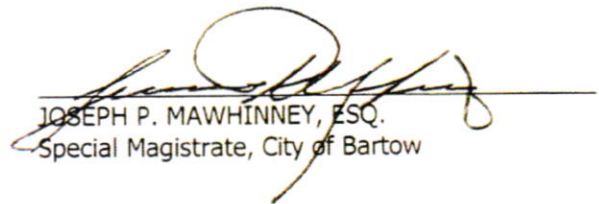
YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a hearing to challenge the fine and the resulting lien within twenty (20) days from the date of rendition of this Order. If you fail to timely request such hearing within twenty (20) days of its date of rendition, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat. by filing a timely Notice of Appeal with the Secretary to the Special Magistrate and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 25th day of SEPT., 2019 at Bartow, Polk County, Florida.

ATTEST:


JACKI POOLE
Secretary to the Special Magistrate


JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 19394
Mailings: Jeffrey Holden, 1601 N. 39th St., Tampa, FL 33605



SUPPLEMENTAL AFFIDAVIT OF COSTS

CASE #: 19394

Code Enforcement Investigator: JIMMY DEAN

VIOLATION LOCATION: 3505 HWY 60 E

Parcel #: 25-30-02-000000-033050

<u>1</u>	SITE INSPECTION FEE @ \$25.00 EACH SITE INSPECTION	<u>25.00</u>
<u>1</u>	CERTIFIED MAIL @ \$6.80 EACH	<u>6.80</u>
<u>1</u>	REGULAR MAIL @ \$0.50 EACH	<u>.50</u>
	CONTRACTOR/CITY CHARGE CLEARING VIOLATION	
<u>2</u>	ADMINISTRATION COSTS X 25.00	<u>50.00</u>
<u>1</u>	DOCUMENT RECORDING FEE X 45.50	<u>45.50</u>
	TITLE REPORT FEE	
	TOTAL COSTS INVOLVED IN THIS CASE:	<u>127.80</u>

I certify that the itemized costs listed accurately reflect those costs incurred in the investigation of this case.

Date: 9-18-19

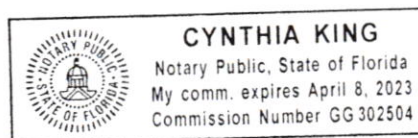
INVESTIGATOR: _____

STATE OF FLORIDA
COUNTY OF POLK

Acknowledged before me this 18 day of Sept, 2019

BY: Jimmy Dean, Code Enforcement Investigator, who is personally known to me and who did not take an oath.

NOTARY



SUPPLEMENTAL AFFIDAVIT OF COSTS

CASE #: 19394
 Code Enforcement Investigator: J. Dean
 VIOLATION LOCATION: 3505 Hwy 60 E
 Parcel #: 25-30-02-000000-033050

<u>2</u>	SITE INSPECTION FEE @ \$25.00 EACH SITE INSPECTION	<u>50.00</u>
<u>3</u>	CERTIFIED MAIL @ \$6.67 EACH	<u>20.01</u>
<u>3</u>	REGULAR MAIL @ \$0.47 EACH	<u>1.41</u>
<u>0</u>	CONTRACTOR/CITY CHARGE CLEARING VIOLATION	<u>0</u>
<u>2</u>	ADMINISTRATION COSTS X 25.00	<u>50.00</u>
<u>2</u>	DOCUMENT RECORDING FEE X 35.50	<u>71.00</u>
	TOTAL COSTS INVOLVED IN THIS CASE:	<u>191.01</u>

I certify that the itemized costs listed accurately reflect those costs incurred in the investigation of this case.

Date: 8-31-08

INVESTIGATOR: _____

[Signature]

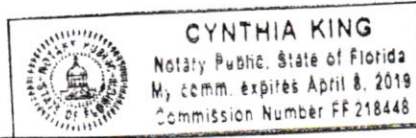
STATE OF FLORIDA

COUNTY OF POLK

Acknowledged before me this 4 day of Sept 2008

BY: Jimmy Dean, Code Enforcement Investigator, who is personally known to me and who did not take an oath.

Cynthia King
 NOTARY



CASE NO.: 64582

IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830

25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111,
PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,

Petitioner

v.

HERCULES GREEK GOD LLC,

Respondent(s).

AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority personally appeared, Melvin T. Towles, Code Compliance Investigator for the City of Bartow's Office of Code Compliance and Neighborhood Services, who, after being duly sworn, deposes and says that a reinspection, performed on _____ revealed the corrective action ordered by the Code Enforcement Special Magistrate had not been taken in that:

- (1) The violation of CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED (Non-Permitted Fence) remains in non-compliance.

FURTHER AFFIANT SAYETH NOT.

DATED 20th DAY OF November, 2025



Certified Code Compliance Investigator

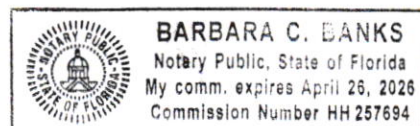
Sworn to and subscribed before me

this 21st day of November, 2025 by

MELVIN T. TOWLES; who is personally known to me.



Notary Public, State of Florida



IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E. Summerlin St., Bartow, FL 33830
25-30-05-381000-000251

HIGHLAWN ADD PB 1 PG 111 LOTS 25 TO 27, as recorded in the Public Records of
Polk County, Florida

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD, LLC.,
Respondent(s).

AFFIDAVIT OF SERVICE

I, **M. Tray Towles**, Code Enforcement Investigator, state as follows:

1. On 11/10/2025, I sent a copy of:

- ☐ Notice of Violation
☐ Notice of Hearing
☒ Notice of Hearing: Certification of Fines
☐ Notice and Order of Demolition
☐ Order Finding Violation
☐ Order Imposing Fine

Affidavit of: ☐ Non-Compliance ☐ Compliance
☐ Order Authorizing Initiation of Demolition Process
☐ Final Order Authorizing Demolition of Structure
☐ Order on Request to Reduce Fine
☐ Other: _____

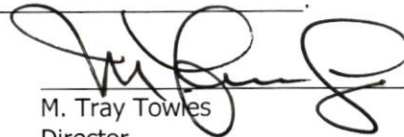
Via ☒ Certified Mail ☒ First Class Mail ☐ Other: _____

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website:
1395 E. Main Street, Bartow, FL 33830-5008.

2. On 11/10/2025, I posted a copy of the same at the above-described property; and

3. On 11/10/2025, I posted a copy of the same at City Hall.

4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as
attested to by the following signature: _____



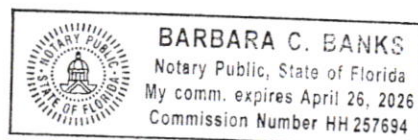
M. Tray Towles
Director
Code Compliance & Neighborhood Services

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or _____ online notarization,
an officer duly authorized to administer oaths and take acknowledgements, personally
appeared M. Tray Towles, who is personally known to me to be the person described in and who executed
the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 10th Day of November,
2025.

 Notary Public



7020 3160 0001 3389 8524

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- | | | |
|--|----|--|
| ☐ Return Receipt (hardcopy) | \$ | |
| ☐ Return Receipt (electronic) | \$ | |
| ☐ Certified Mail Restricted Delivery | \$ | |
| ☐ Adult Signature Required | \$ | |
| ☐ Adult Signature Restricted Delivery | \$ | |

Postmark
Here

64582

Postage

HERCULES GREEK GOD, LLC
1395 E. MAIN ST.
BARTOW FL 33830-5008

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E Summerlin St, Bartow, FL 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS
OF POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

**NOTICE OF HEARING
CERTIFICATION OF FINES**

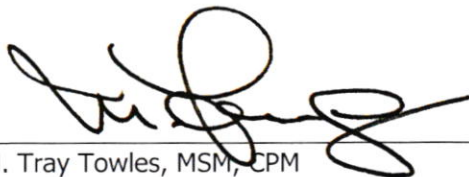
You are hereby notified that on November 25, 2025, at 9:00 A.M. in City Commission Chambers, in City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a Hearing will be held before the City of Bartow Special Magistrate to consider an Affidavit of Non-Compliance and Fine Certifications for violations at the above-referenced address.

Please be advised that the procedures of the Hearing are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

**FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN
ABSENTIA AND A LIEN AGAINST YOUR REAL OR PERSONAL PROPERTY BEING ENTERED,
WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY OR FORECLOSURE ON REAL
PROPERTY.**

The burden is upon the Respondent to request a re-inspection to determine if the property has been brought into compliance. If you have any questions regarding this notice or need to schedule a re-inspection, call the Office of Code Compliance & Neighborhood Services at **863-534-5034**.

November 10, 2025
Date



M. Tray Towles, MSM, CPM
Director
Office of Code Compliance & Neighborhood Services

CASE NO.: 64582

IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830

25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC,
Respondent(s).

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on November 25, 2025, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):

- ☐ Appeared;
☐ Did not appear; or
☐ Was/were represented by _____.

2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above-described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
(2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
(3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on 01/30/2024, and at such hearing, the Code Enforcement Special Magistrate ordered the Respondent(s) to correct said violation(s) within 60 days or face imposition of a presumed fine in the amount of \$150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☐ has not been brought into compliance.
☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ☐ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

☐ This Order is supplemental to (a) previous order(s) of the Special Magistrate dated 04/30/2024.

- ☐ Respondent(s) pay a total fine of **\$91,090.03**. Said amount is the total of adding:
- **\$90,750.00** Violation Amount (calculated as **\$150.00** per day for the **605** days the violation(s) continued past the date set for compliance (**03/30/2024 – 11/25/2025**) or \$_____ for ___ times violation has been repeated);
 - **\$134.60** Original Costs;
 - **\$134.60** Supplemental Costs (**04/25/2024**).
 - **\$70.83** Supplemental Costs (**11/25/2025**).

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.
- ☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this ____ day of _____ at Bartow, Polk County, Florida.

ATTEST:

JACKI POOLE
Secretary to the Special Magistrate

JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582
Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008



INSTR # 2024152988
BK 13175 Pgs 1395-1397 PG(s)3
RECORDED 07/02/2024 04:17:16 PM
STACY M. BUTTERFIELD, CLERK OF COURT
POLK COUNTY
RECORDING FEES \$27.00
RECORDED BY abiazamb

CASE NO.: 64582

**IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF
POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

ORDER IMPOSING FINE

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on April 30, 2024, after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4), 162.08(5) and 162.09, Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):

☐ Appeared;
☒ Did not appear; or
☐ Was/were represented by _____.

2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. In accordance with law, after due notice was first given to the Respondent(s) pursuant to §162.12, Fla. Stat., a public hearing was convened on 1/30/24, and at such hearing, the Code Enforcement Special Magistrate ordered the Respondent(s) to correct said violation(s) within 60 days or face imposition of a presumed fine in the amount of \$ 150.00 per day that the violation(s) continued to exist.

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

5. The above-described property:

- ☒ has not been brought into compliance.
☐ was brought into compliance on or about _____.

CONCLUSIONS OF LAW

6. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

7. The above stated facts ☒ **do** ☐ **do not** constitute violation of the specific section(s) of the City Code cited in paragraph 2 herein and, as such, imposition of a fine pursuant to §162.09, Fla. Stat., and/or entry of an order under §162.08(5), Fla. Stat., are necessary to bring said violation(s) into compliance. Upon consideration of (i) the gravity of the violation(s), (ii) any actions taken by the Respondent(s) to correct the violation(s), and (iii) previous violation(s) committed by the Respondent(s), it is determined that the actions taken herein are reasonable pursuant to law.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

☒ This Order is supplemental to (a) previous order(s) of the Special Magistrate dated 1/30/24

- ☒ Respondent(s) pay a total fine of \$ 5,059.20. Said amount is the total of adding:
- \$ 4800.00 Violation Amount (calculated as \$ 150.00 per day for the 32 days the violation(s) continued past the date set for compliance (3/30/24 - 4/30/24) or \$ _____ for _____ times violation has been repeated);
 - \$ 134.60 Original Costs;
 - \$ 134.60 Supplemental Costs.

If a daily amount has been imposed, such daily amount shall continue to be assessed, per day, until the violation(s) come(s) into compliance. The Special Magistrate reserves jurisdiction to enter further supplemental Orders as may be necessary or prudent or for ease of determining the amount of any lien arising from entry of this Order. Unpaid fines and costs identified herein shall, in addition to all other outstanding costs, be assessed against the subject property as a lien, and this Order shall be recorded in the Public Records of Polk County as evidence thereof.

- ☐ ABATEMENT: The City of Bartow is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs, the City may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ SECURE: Pursuant to §162.08(5), Fla. Stat., the City of Bartow is hereby authorized to secure the safety condition(s) on the subject property and assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein.
- ☐ ABATEMENT COSTS: Respondent(s) shall be responsible for costs incurred by the City of Bartow for securing the property, abatement, and/or demolition, totaling \$_____.

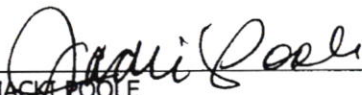
☐ _____

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 30th day of April, 2024, at Bartow, Polk County, Florida.

ATTEST:



JACKI POOLE
Secretary to the Special Magistrate



JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582
Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008



CERTIFIED AS A TRUE AND CORRECT
COPY OF RECORDS ON FILE IN THE
BARTOW CITY CLERK'S OFFICE.

Page 3 of 3



CITY CLERK
DATE 4/30/24

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E Summerlin St, Bartow, FL 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS
OF POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

**NOTICE OF HEARING
CERTIFICATION OF FINES**

You are hereby notified that on April 30, 2024, at 9:00 A.M. in City Commission Chambers, in City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a Hearing will be held before the City of Bartow Special Magistrate to consider an Affidavit of Non-Compliance and Fine Certifications for violations at the above-referenced address.

Please be advised that the procedures of the Hearing are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

**FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN
ABSENTIA AND A LIEN AGAINST YOUR REAL OR PERSONAL PROPERTY BEING ENTERED,
WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY OR FORECLOSURE ON REAL
PROPERTY.**

The burden is upon the Respondent to request a re-inspection to determine if the property has been brought into compliance. If you have any questions regarding this notice or need to schedule a re-inspection, call your Code Enforcement Officer at **863-534-0157**.

April 15, 2024
Date



Code Enforcement Inspector

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E SUMMERLIN ST
25-30-05-381000-000251
HIGHLAWN ADD PB 1 PG 111 LOTS 25 TO 27

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC

Respondent(s).

AFFIDAVIT OF SERVICE

I, **BRANDON ALTMAN**, Code Enforcement Officer, state as follows:

1. On 04/15/2024, I sent a copy of:

- ☐ Notice of Violation and Notice of Hearing
- ☒ Notice of Hearing: Certification of Fines
- ☐ Notice of Hearing: Demolition
- ☐ Order Finding Violation
- ☐ Order Imposing Fine

Affidavit of: ☒ Non-Compliance ☐ Compliance

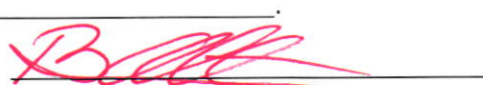
- ☐ Order Authorizing Initiation of Demolition Process
- ☐ Final Order Authorizing Demolition of Structure
- ☐ Order on Request to Reduce Fine
- ☐ Demand For Removal

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website: 1395 E MAIN ST, BARTOW FL 33830-5008

2. On 04/15/2024, I posted a copy of the same at the above-described property; and

3. On 04/15/2024 I posted a copy of the same at City Hall.

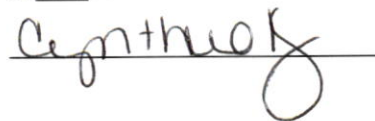
4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as attested to by the following signature: _____.

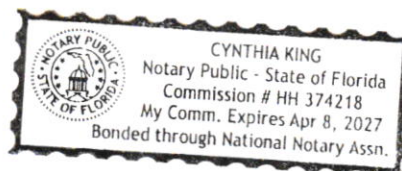

BRANDON ALTMAN
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman, who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 15 Day of April, 2024.





7020 3160 0001 3389 7633

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$

Postmark
Here

Postage	
\$	
Total Postage and Fees	
\$	

BA

64582 CORNING

Sent To	
Street and Apt. No., or PO Box No.	
City, State, ZIP+4®	

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E Summerlin St, Bartow, FL 33830
25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING
TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS
OF POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC,
Respondent(s).

AFFIDAVIT OF NON-COMPLIANCE

I, **BRANDON ALTMAN**, have personally examined the property described in the Special Magistrate Order dated January 30, 2024 in the above-styled case, and find that said property is **not** in compliance of the following code(s) of the City of Bartow as of April 15, 2024.

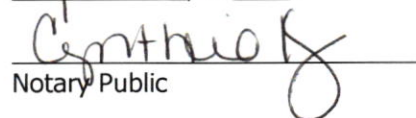
<u>CODE</u>	<u>DESCRIPTION</u>	<u>NOTES</u>
1. COO 18-3 Permit for Construction Required	<u>The fence was never permitted when it was constructed</u>	<u>Hire a contractor to pull a permit for the fence and ensure it passes final inspection</u>

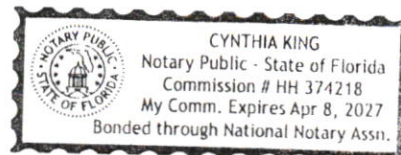

BRANDON ALTMAN
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 15 Day of April, 2024.


Notary Public



SUPPLEMENTAL AFFIDAVIT OF COSTS

CASE #: 64582

Code Enforcement Investigator: BRANDON ALTMAN

VIOLATION LOCATION: 1310 E SUMMERLIN ST, BARTOW, FL 33830

Parcel #: 25-30-05-381000-000251

3	SITE INSPECTION FEE @ \$25.00 EACH SITE INSPECTION	75.00
2	CERTIFIED MAIL @ \$6.80 EACH	13.60
1	REGULAR MAIL @ \$0.50 EACH	.50
0	CONTRACTOR/CITY CHARGE CLEARING VIOLATION	0
1	DOCUMENT RECORDING FEE X 45.50	45.50
0	TITLE REPORT FEE X \$200.00	0
	TOTAL COSTS INVOLVED IN THIS CASE:	134.60

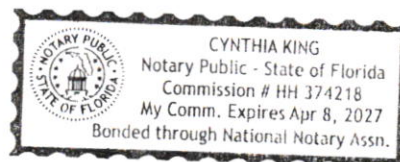
I certify that the itemized costs listed accurately reflect those costs incurred in the investigation of this case.

Date: 4.25.24 INVESTIGATOR: *Brandon Altman*

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 25 Day of April, 2024
Cynthia King
Notary Public



IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E SUMMERLIN ST
25-30-05-381000-000251
HIGHLAWN ADD PB 1 PG 111 LOTS 25 TO 27

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC

Respondent(s).

AFFIDAVIT OF SERVICE

I, **BRANDON ALTMAN**, Code Enforcement Officer, state as follows:

1. On 05/06/2024, I sent a copy of:

- ☐ Notice of Violation and Notice of Hearing
- ☐ Notice of Hearing: Certification of Fines
- ☐ Notice of Hearing: Demolition
- ☐ Order Finding Violation
- ☒ Order Imposing Fine

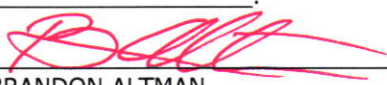
- Affidavit of: ☐ Non-Compliance ☐ Compliance
- ☐ Order Authorizing Initiation of Demolition Process
 - ☐ Final Order Authorizing Demolition of Structure
 - ☐ Order on Request to Reduce Fine
 - ☐ Demand For Removal

to the property owner(s) at the address mailing address listed on the Polk County Property Appraiser's website: 1395 E MAIN ST, BARTOW FL 33830-5008

2. On _____, I posted a copy of the same at the above-described property; and

3. On _____ I posted a copy of the same at City Hall.

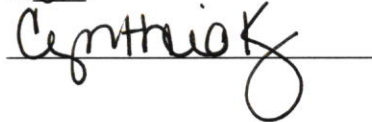
4. Alternatively, I hand delivered a copy of the same to the property owner(s) on _____ as attested to by the following signature: _____

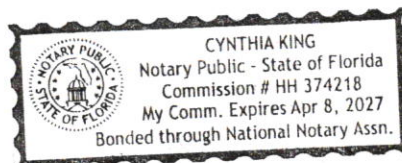

BRANDON ALTMAN
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared Brandon Altman who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 6 Day of May, 2024.





7020 3160 0001 3389 0412

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IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830
25-30-05-381000-000251

LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF
POLK COUNTY, FLORIDA.

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

HERCULES GREEK GOD LLC,
Respondent(s).

ORDER FINDING VIOLATION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on **JANUARY 30TH, 2024** after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4) and 162.08(5), Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):
☐ Appeared;
☐ Did not appear; or
☒ Was/were represented by _____.
2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. Such conditions:

- ☐ continue to exist as of the date of this Order;
- ☐ were remedied prior to Hearing, having existed from the date the violation was first observed by the Code Enforcement Officer, _____, through _____, for a total of _____ days; or
- ☒ were remedied in part (Violation(s) # 112) and continue in part (Violation(s) # 3).

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

CONCLUSIONS OF LAW

5. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

6. The above stated facts ☒ **do** ☐ **do not** constitute a violation of the specific section(s) of the City Code cited in paragraph 2 herein.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☐ The evidence presented did not support the violation cited. The case is hereby **DISMISSED**.
- ☐ Violations did exist at the subject property but have been remedied. No fine will be imposed in this matter. However, future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- ☐ Respondent(s) admit(s) to the violation(s) and request(s) additional time to comply. Respondent(s) has/have waived any defenses to the violation(s). Respondent(s) shall have _____ days (on or before _____) to comply or a \$_____ per day fine may be imposed.
- ☒ Respondent(s) have 60 days (on or before 3/30/24) for total compliance or a \$ 150.00 per day fine will be imposed.
- ☐ Violation(s) number(s) _____ as identified above is/are irreparable or irreversible in nature. A one-time fine of \$_____ is imposed against the Respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- ☐ Pursuant to § 162.08(5), Fla. Stat., the Code Enforcement Division of the City of Bartow is hereby authorized to **SECURE** the safety condition(s) on the subject property and assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ The City of Bartow is hereby authorized to **ABATE** the violation(s) named herein in accordance with § 162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs,

the City of Bartow may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.

- ☒ Respondent(s) shall be responsible for costs incurred by the City of Bartow in prosecuting this case totaling \$ 124.60. The costs shall be paid in full within 30 days of this Order (by 2/29/24, at 5:00 p.m.). If unpaid within that time, the costs will be assessed against the subject property as a lien, and this Order, or a subsequent Order Imposing Fine, may be recorded in the Public Records of Polk County as evidence thereof.

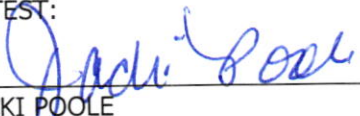
☐

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

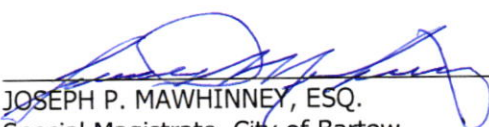
THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 30th day of Jan., 2024, at Bartow, Polk County, Florida.

ATTEST:



JACKI POOLE
Secretary to the Special Magistrate



JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582
Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008



CERTIFIED AS A TRUE AND CORRECT
COPY OF RECORDS ON FILE IN THE
BARTOW CITY CLERK'S OFFICE.

 01-30-2024
CITY CLERK DATE

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 64582

**IN RE: 1310 E. SUMMERLIN ST., BARTOW FL, 33830
25-30-05-381000-000251**

**LOTS 25, 26 AND 27, HIGHLAWN ADDITION TO THE CITY OF BARTOW, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 111, PUBLIC RECORDS OF
POLK COUNTY, FLORIDA.**

**CITY OF BARTOW, a Florida municipal corporation,
Petitioner**

v.

**HERCULES GREEK GOD LLC,
Respondent(s).**

ORDER FINDING VIOLATION

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came for public hearing before the Special Magistrate on **NOVEMBER 28TH, 2023** after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument, issues this *Findings of Fact, Conclusions of Law and Order* pursuant to §§ 162.07(4) and 162.08(5), Fla. Stat.:

FINDINGS OF FACT

1. The Respondent(s):
 - ☐ Appeared;
 - ☐ Did not appear; or
 - ☒ Was/were represented by Hercules Mallas, Manager.
2. On or about **NOVEMBER 9TH, 2023**, there existed at or on the above described real property the following conditions in violation of the Code of Ordinances of the City of Bartow, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of § 162.06(4), Fla. Stat.:

Violations of the Code of Ordinances of the City of Bartow:

- (1) MPMS § 302.4 WEEDS AND OVERGROWTH
- (2) CODE OF ORD. § SEC. 66-28 ADJACENT PROPERTY OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS BE KEPT FREE OF WEEDS
- (3) CODE OF ORD. § SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the Florida Building Code as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

3. Such conditions:
- ☐ continue to exist as of the date of this Order;
 - ☐ were remedied prior to Hearing, having existed from the date the violation was first observed by the Code Enforcement Officer, _____, through _____, for a total of _____ days; or
 - ☒ were remedied in part (Violation(s) # 1, 2) and continue in part (Violation(s) # 3).

4. The above described real property is located and existing within the corporate limits of the City of Bartow, Florida. Respondent(s), as owner(s) of said real property is/are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Bartow. All required notices pursuant to § 162.12, Fla. Stat., have been sent.

CONCLUSIONS OF LAW

5. This Magistrate has personal jurisdiction over the Respondent(s), and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to the Code Enforcement Options Ordinance of 2016 of the City of Bartow, Florida.

6. The above stated facts ☐ **do** ☒ **do not** constitute a violation of the specific section(s) of the City Code cited in paragraph 2 herein.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, and upon consideration of the gravity of the violation and any actions taken by the Respondent(s) to correct the violation, and previous violations committed by the violator, it is hereby **ORDERED** that:

- ☐ The evidence presented did not support the violation cited. The case is hereby **DISMISSED**.
- ☐ Violations did exist at the subject property but have been remedied. No fine will be imposed in this matter. However, future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- ☐ Respondent(s) admit(s) to the violation(s) and request(s) additional time to comply. Respondent(s) has/have waived any defenses to the violation(s). Respondent(s) shall have _____ days (on or before _____) to comply or a \$_____ per day fine may be imposed.
- ☐ Respondent(s) have _____ days (on or before _____) for total compliance or a \$_____ per day fine will be imposed.
- ☐ Violation(s) number(s) _____ as identified above is/are irreparable or irreversible in nature. A one-time fine of \$_____ is imposed against the Respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- ☐ Pursuant to § 162.08(5), Fla. Stat., the Code Enforcement Division of the City of Bartow is hereby authorized to **SECURE** the safety condition(s) on the subject property and assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.
- ☐ The City of Bartow is hereby authorized to **ABATE** the violation(s) named herein in accordance with § 162.09(1), Fla. Stat., but shall not be required to do so. If abatement occurs,

the City of Bartow may assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein.

- ☐ Respondent(s) shall be responsible for costs incurred by the City of Bartow in prosecuting this case totaling \$_____. The costs shall be paid in full within _____ days of this Order (by _____, at 5:00 p.m.). If unpaid within that time, the costs will be assessed against the subject property as a lien, and this Order, or a subsequent Order Imposing Fine, may be recorded in the Public Records of Polk County as evidence thereof.

☐

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to § 162.09(3), Fla. Stat., once final, this ORDER may be recorded in the public records and thereafter may constitute a lien against the above described real property and upon any other real or personal property owned by you. FURTHER, subsequent certifications or supplemental certifications of fines may be recorded in the public records if the violations mentioned herein may be remedied by you and you fail timely to do so.

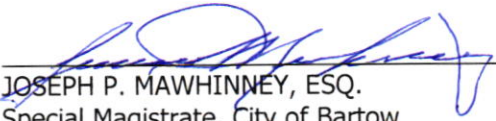
THIS ORDER is final upon rendition thereof. You may request a rehearing of an enforcement decision of the Special Magistrate by delivering a written request for rehearing to the City Clerk of the City of Bartow within ten (10) days of the date the order was mailed or served. A request for rehearing shall be based *only* on the grounds that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the decision of the Special Magistrate. If no rehearing is timely requested, this Order may be recorded in the Public Records of Polk County, Florida. This Order may be appealed to Circuit Court within thirty (30) days of the date of its rendition pursuant to § 162.11, Fla. Stat., by filing a timely Notice of Appeal with the City Clerk of the City of Bartow and the Circuit Court and complying with any and all applicable court rules of procedure. All requests to challenge fines or notices of appeal must be in writing and stamped received at the Code Enforcement Division no later than 5:00 p.m. on or before the date the period expires in order to be considered timely.

DONE AND ORDERED (RENDERED) this 28 day of Nov., 2023, at Bartow, Polk County, Florida.

ATTEST:



JACKI POOLE
Secretary to the Special Magistrate

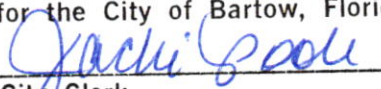


JOSEPH P. MAWHINNEY, ESQ.
Special Magistrate, City of Bartow

Case No.: 64582

Mailings: HERCULES GREEK GOD LLC, 1395 E. MAIN ST., BARTOW, FL 33830-5008

Certified as the true and original record
on file in the Office of the City Clerk
for the City of Bartow, Florida.



City Clerk

11/28/2023
Date



BARTOW CODE ENFORCEMENT



NOTICE OF VIOLATION AND NOTICE OF HEARING

City of Bartow, Petitioner
vs

Case # **64582**

HERCULES GREEK GOD LLC
1310 E SUMMERLIN ST, BARTOW FL 33830

Notice is hereby given of violation(s) of the Code of Ordinances of the City of Bartow, as follows:

1. Date violation observed and description of violation:

**11/09/2023: MINIMUM PROPERTY MAINTENANCE STANDARDS:
302.4 WEEDS AND OVERGROWTH**

****REMOVE ALL OVERGROWTH OF GRASS AND WEEDS FROM YOUR PROPERTY****

11/09/2023: CITY OF BARTOW CODE OF ORDINANCES:

**SEC. 66-28. ADJACENT OWNERS TO MAINTAIN PARKWAYS AND SWALES; SIDEWALKS TO BE KEPT
FREE OF WEEDS**

****REMOVE ALL OVERGROWTH OF GRASS AND WEEDS FROM THE CITY RIGHT-OF-WAY ADJACENT TO YOUR
PROPERTY****

SEC. 18-3 PERMIT FOR CONSTRUCTION REQUIRED

****THE FENCE ON THE PROPERTY WAS CONSTRUCTED WITHOUT A PERMIT. REMOVE THE FENCE FROM THE
PROPERTY OR CALL THE CITY OF BARTOW BUILDING DEPARTMENT AT 863-534-0157 TO OBTAIN A FENCE
PERMIT****

(References to "MPMS" are to the *Minimum Property Maintenance Standards of the City of Bartow* as adopted by the *Bartow Property Improvement Regulations Ordinance of 2012* ("BPIRO"), § 18-16, *Code of Ord. of the City of Bartow, Fla.* References to the "FBC" are to the *Florida Building Code* as modified by BPIRO, §§ 18-1, 18-2, *Code of Ord. of the City of Bartow, Fla.* References to "ULDC" are to the *Unified Land Development Code of the City of Bartow, Fla.*)

2. Violation Address: 1310 E SUMMERLIN ST, BARTOW FL 33830
Parcel ID: 25-30-05-381000-000251

3. Notice given by Certified Mail on **11/09/2023** to **HERCULES GREEK GOD LLC at 1395 E MAIN
ST, BARTOW FL 33830-5008**

4. Date by which violation(s) are to be corrected to avoid fines: 11/27/2023

It is your responsibility to call Bartow Code Enforcement at 863-534-0157 and request a re-inspection.

If you fail to correct the above described violation(s) by the date shown in number 4, your case will be presented before the Special Magistrate as stated below in accordance with Florida Statute 162. Administration Costs and/or fines may be assessed against you at that time.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on **11/28/2023 at **9:00 A.M.** in the City Commission Chambers, City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a public hearing will be conducted by the Special Magistrate in the above styled cause in accordance with Florida Statute 162.07 to determine whether you have violated one or more provisions and/or sections of the Code of Ordinances of the City of Bartow.**

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Special Magistrate upon proper request to the Recording Secretary of the Special Magistrate within five business days at (863) 534-0100 ext. 1254.

You are requested to appear before the Special Magistrate at that time to answer and defend allegations that you have violated the cited provisions of the Code of Ordinances of the City of Bartow noted above.

If you fail to attend, the Special Magistrate may base its findings and act solely on the presentation made by the City.

If the Special Magistrate finds that you have committed any violation(s), the Special Magistrate may order immediate compliance with the Code and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed NOT TO EXCEED \$250.00 per day for a first violation and NOT TO EXCEED \$500.00 per day for a repeat violation for the period of non-compliance.

Please be advised that the case may be presented to the Special Magistrate and fines and costs may be assessed against you **EVEN IF THE VIOLATION HAS BEEN CORRECTED** prior to the scheduled hearing if (1) the violation was not corrected by the time specified by the Code Inspector, or: (2) the violation has been corrected and then recurred.

If any decision of the Special Magistrate affects you and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

(THE ABOVE NOTICE IS REQUIRED BY STATE LAW. ANYONE DESIRING A VERBATIM TRANSCRIPT SHALL HAVE THE RESPONSIBILITY AT HIS/HER OWN COSTS TO ARRANGE FOR THE TRANSCRIPT.)

Please be advised that the procedures of the Special Magistrate are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at the Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN ABSENTIA AND A LIEN BEING IMPOSED AGAINST YOUR REAL AND PERSONAL PROPERTY WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY AND FORECLOSURE ON REAL PROPERTY.



Brandon Altman
Code Enforcement Investigator
City of Bartow
P.O. Box 1069
450 N. Wilson Avenue
Bartow, FL 33830

BARTOW CODE ENFORCEMENT



450 N. WILSON AVENUE/P.O. BOX 1069 BARTOW, FL 33830
863-534-0100/FAX 863-519-8686

MINIMUM PROPERTY MAINTENANCE STANDARDS VIOLATIONS

302.4 Weeds and overgrowth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches in height. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs; provided that the term weeds shall not include cultivated flowers, cultivated gardens and Central region plants listed on the most current edition of the Florida-Friendly Plant List issued by the University of Florida Institute of Food and Agricultural Sciences, so long as such flowers, gardens and plants are maintained in an aesthetically pleasing manner and do not constitute a dangerous or nuisance condition as determined in the sole discretion of the code official; provided further however that all noxious weeds shall be prohibited.

CITY OF BARTOW CODE OF ORDINANCES VIOLATIONS

Sec. 66-28. - Adjacent owners to maintain parkways and swales; sidewalks to be kept free of weeds.

- (c) Every owner, tenant, licensee, lessee, occupant, agent and person or entity entrusted with the care, custody or control of real property that shares a common boundary with a municipal street right-of-way shall keep all sidewalks, driveway aprons, driveways, curbing and pavement edges found lying within abutting publicly-owned parkways or swales adjacent to the real property reasonably free of weeds and vegetation.

Sec. 18-3. - Permit for construction required.

Permits shall be procured from the building official by every person, contractor, or subcontractor before:

- (1) Doing any work that requires issuance of a permit under Section 105.1 of Chapter 1—Administration of Florida Building Code: Building or F.S. Chapter 553;

BARTOW CODE ENFORCEMENT



- (2) Doing any electrical wiring or rewiring or altering, changing or attaching to any existing wiring within the corporate limits of the city, or doing any electrical wiring outside of the city limits that will receive electrical energy from city lines;
- (3) Doing any plumbing work or altering, changing or attaching to any existing plumbing;
- (4) Doing any structural work of any character, whether permanent or temporary; and
- (5) Doing any nonstructural work where the cost of materials exceeds \$800.00.

IN AND FOR THE CITY OF BARTOW, FLORIDA

CASE NO.: 56302

IN RE: 1185 BRITTS LN. W.

25-30-05-391500-002022

THOMAS G H ADD PB 4B PGS 63 & 64 BLK 2 LOT 2 W1/2 OF BEG 15 FT S OF W
COR RUNS 126 FT E 89 FT N 126 FT W TO BEG

CITY OF BARTOW, a Florida municipal corporation,
Petitioner

v.

THOMAS E. NOVACK, TINA A. NOVACK, T&T NOVACK FAMILY TRUST,
Respondent(s).

AFFIDAVIT OF COMPLIANCE

I, **LaPorchia Hodge**, have personally examined the property described in the Special Magistrate Order dated **July 27, 2021**, in the above-styled case, and find that said property is in compliance with the following code(s) of the City of Bartow as of **10/29/2025**, in that:

MPMS 302.1 - SANITATION AND STORAGE OF MATERIALS

Accumulation of trash and junk inside and outside fence and around the grounds of the property.

MPMS 302.7 - ACCESSORY STRUCTURES

Fence is bad condition.

COO 18-53 - WATT-HOUR METERS

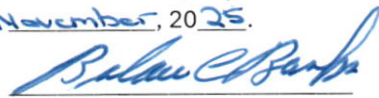
Electric Meters inaccessible due to padlock on fence gate and accumulation of junk leaning on electric meters and blocking paths to electric meters.

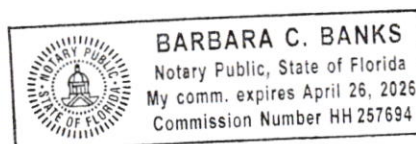

LaPorchia Hodge
Code Compliance Investigator

STATE OF FLORIDA
COUNTY OF POLK

I HEREBY CERTIFY that on this day, before me, by means of ☒ physical presence or ☐ online notarization, an officer duly authorized to administer oaths and take acknowledgements, personally appeared LaPorchia Hodge, who is personally known to me to be the person described in and who executed the foregoing instrument, and who, being sworn by me, acknowledged before me the execution of same.

WITNESS, my hand and official seal in the County and State last aforesaid this 21st Day of November, 2025.


Notary Public



Tray Towles

From: Tray Towles
Sent: Friday, October 31, 2025 2:44 PM
To: 'hosannarealestate@yahoo.com'
Cc: Barbara Banks; Delaila Tait; Laporchia Hodge
Subject: RE: [EXTERNAL]CODE ENFORCEMENT CASE 56302
Attachments: Request for Fine Reduction (56302) Novack, Thomas.docx

Good afternoon, Mr. Novack.

Attached is the Request for Fine Reduction for the property located at 1185 Britts Lane W.

You brought the property into compliance on October 29, 2025.

Fines of \$50-a-day ran from August 11, 2021 to October 29, 2025. As a result, the total balance owed for the accumulated fines is \$77,000.00

In addition to the fines, you are responsible for the City's cost of prosecution of your case. That cost is \$199.60. These costs cannot be waived.

As a matter of practice, the City will not recommend a fine reduction for less than 80% of the total fines owed. As a result, the City is willing to recommend a reduction to the amount of \$15,400, plus costs. That total amount owed would be \$15,599.60. That is a reduction of \$61,600.00.

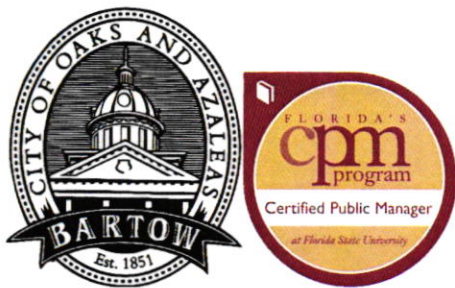
Please complete the attached Fine Reduction request and return it to me within the next 10 days. If I receive your request by November 11, 2025, I will set your case for hearing at the next Special Magistrate meeting, which is November 25, 2025.

Please let me know if you have any additional questions.

Respectfully,

Tray Towles, MS, CPM
Director

**Office of Code Compliance
& Neighborhood Services**
City of Bartow
450 N. Broadway Ave.
Bartow, FL 33830
(863) 534-5034
ttowles@cityofbartow.net



From: Laporchia Hodge <lhodge@cityofbartow.net>
Sent: Thursday, October 30, 2025 2:25 PM
To: Tray Towles <ttowles@cityofbartow.net>
Subject: FW: [EXTERNAL]CODE ENFORCEMENT CASE 56302

From: Tom Novack <hosannarealestate@yahoo.com>
Sent: Thursday, October 30, 2025 10:12 AM
To: Laporchia Hodge <lhodge@cityofbartow.net>
Subject: [EXTERNAL]CODE ENFORCEMENT CASE 56302

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hi Laporchia,

Thank you for the good news that the 1185 Britts property is now in compliance with the city codes.

I would like to receive a copy of the forms I need to fill out to request a reduction in the administrative charges for this code violation.

Also, I only became aware of this code violation because of a lien search of our trust name for the sale of another property in Polk county. Please send me an email with total charges accrued to date for this code violation. Once I have an amount due, I can set aside funds in the escrow to satisfy the code enforcement charges. Then that escrow can close.

With Regards,

Tom Novack
541-606-4316

IN AND FOR THE CITY OF BARTOW, FLORIDA
CASE NO: 56302

IN RE: 1185 Britts Lane W
23-30-06-391500-002022
THOMAS G H ADD PB 4B PGS 63 & 64 BLK 2 LOT 2 W1/2 OF BEG 15 FT S OF W
COR RUN S 126 FT E 89 FT N 126 FT W TO BEG

CITY OF BARTOW, a Florida municipal corporation, Petitioner

v.

Thomas E. Novack, Tina A. Novack, T&T Novack Family Trust, Respondent(s)

REQUEST FOR FINE REDUCTION

I request that the Special Magistrate reduce the fine imposed in the above-styled case in an order entered on July 27, 2021.

1. The violations at the above-described property were corrected on 10/29/2025.
2. While I do not deny or dispute the proper legal service by the city, I respectfully request a reduction of fines/fees down to the level of Bartow's administrative fees, because this mostly seems to be a case of mistaken identity and unique circumstances. Please let me explain why a reduction to the level of Bartow's administrative costs would be appropriate:
 - A) The original complaint asked us to remediate/remove the junk on our neighbor's property which I had no legal right to do. When we purchased the 1185 Britts property we acquired three parcels. The 1185 building and the fenced enclosure are on two of the parcels. The third parcel was a ten-foot-wide strip behind the 1185 fence which happened to include the last foot or two of the neighbors dwelling. We sold that parcel to the neighbor in March 2021. When the code complaint was issued in June 2021 the county probably had not updated their records. The original complaint also cited the wooden fence around the 1185 building and grounds. We quickly complied with that part of the complaint as Williams Fence replaced the wooden fence with a chain link fence with the green privacy slats. At that point we had corrected our part of the original complaint.

- B) In April of 2020 I was diagnosed with metastatic stage IV bladder cancer. I had to have immediate bladder removal surgery and chemotherapy. For a while we thought the treatment had arrested the growth of the main inoperable tumor. However, on 6/22/2021 my left leg suddenly swelled up. The tumor had grown around the main leg vein. We quickly turned over property management to the staff. By late July of 2021 we called family and friends to say goodbye as the cancer was being relentless. I was incapacitated by chemo and radiation until early 2022. However, I steadfastly PRAYED for healing. Finally, in February 2022, the tumor miraculously died and my vigor returned. God still heals today.
- C) I became aware of the existence of a continuing code violation on **10/23/25** via a lien search for the sale of another property. Upon viewing the 1185 property and thinking nothing was wrong, I immediately asked for a reinspection. I was very surprised to hear that the grass to the south of our chain link fence needed to be cut. Unbeknownst to me and the original code complaint, the unfenced twenty-ish feet south of our chain link fence apparently belonged to us. That was Friday, **10/24/25**. By Wednesday, **10/29/25** the grass had been cut and my staff and I removed about four tons of asphalt and cinder block debris hidden by the tall grass. This brought the property into code compliance.
- D) As a responsible real estate broker managing almost 500 rental units, I respect the authority of the local municipalities and always intend to comply with the local codes. The speed with which I addressed the tall grass and accumulated debris is a testament to that respect. To the best of my knowledge, an oversight like this has never happened to us before. I can only assume that the management chaos associated with the sudden departure of the CEO (me) and the CFO (my wife) created the subpar performance.

E) If I might be so bold as to venture a comment, a quarterly or annual bill from the city for the code violation would generate quick compliance from any responsible person.

We are here today only because the owners did not know the problem existed.

On a personal note, I am cutting short my visit with family in Tennessee to fly back on 11/24/25 evening to attend the 11/25/25 meeting. Given the effect of the current government shutdown on airline operations, if a flight cancellation prevents me from attending the 11/25/25 Special Magistrates meeting, I apologize in advance.

DATED:

11/7/25

Thomas J. Novack

RESPONDENT

IN AND FOR THE CITY OF BARTOW, FLORIDA

CITY OF BARTOW, FLORIDA,
a Florida Municipal Corporation,

CASE NUMBER: 56302

Petitioner,

vs.

THOMAS E. NOVACK, TINA A. NOVACK, T&T NOVACK FAMILY TRUST,

Respondent(s).

NOTICE OF HEARING

To: THOMAS E. NOVACK, TINA A. NOVACK, T&T NOVACK FAMILY TRUST
RESPONDENT
PO BOX 2487
EATON PARK, FL 33840-2487

Reference: 1185 BRITTS LN. W.
25-30-05-391500-002022
THOMAS G H ADD PB 4B PGS 63 & 64 BLK 2 LOT 2 W1/2 OF BEG 15 FT S OF
W COR RUNS 126 FT E 89 FT N 126 FT W TO BEG

YOU ARE HEREBY NOTIFIED that on November 25, 2025 at 9:00 A.M., in the City Commission Chambers, City Hall, located at 450 N. Wilson Avenue, Bartow, Florida, a public hearing will be conducted by the Special Magistrate regarding your request for a **Reduction of Fine(s)** previously imposed for Code Violation(s) on the property listed above.

The purpose of this hearing is for the Special Magistrate to consider your request to reduce the accrued administrative fine(s) imposed by a previous Order of the Special Magistrate.

- You, or your authorized representative, **must appear at this hearing** to present evidence and testimony concerning the fine reduction criteria. Failure to appear will typically result in the denial of the fine reduction request.
- The Special Magistrate will consider factors such as the gravity of the violation, any actions taken to correct the violation, the cost to achieve compliance, and any documented financial or medical hardship, among other relevant criteria.

- **Compliance with the original violation(s) must be achieved before a Fine Reduction Request can be considered.**

You are entitled to be represented by counsel, present testimony and evidence and testify on your behalf. Subpoenas for records, surveys, plats and other materials and for witnesses may be requested and will be issued by the Special Magistrate upon proper request to the Recording Secretary of the Special Magistrate within five business days at (863) 534-0100 ext. 1254.

Bring all supporting documentation to the hearing, including receipts for work performed, photographs showing compliance, hardship documentation, and any other evidence you wish the Special Magistrate to review.

If you fail to attend, the Special Magistrate may base its findings and act solely on the presentation made by the City.

If the Special Magistrate finds that any violation(s) continue to exist on the above property, your request for reduction may be denied. The Special Magistrate may also order immediate compliance with the Code and provide in the order, in the event of failure to comply with the order within a period of time set forth therein, that a fine be imposed NOT TO EXCEED \$250.00 per day for a first violation and NOT TO EXCEED \$500.00 per day for a repeat violation for the period of non-compliance.

If any decision of the Special Magistrate affects you and you decide to appeal any decision made at this meeting with respect to any matter considered, you will need a record of the proceedings, and for such purposes you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

(THE ABOVE NOTICE IS REQUIRED BY STATE LAW. ANYONE DESIRING A VERBATIM TRANSCRIPT SHALL HAVE THE RESPONSIBILITY AT HIS/HER OWN COSTS TO ARRANGE FOR THE TRANSCRIPT.)

Please be advised that the procedures of the Special Magistrate are governed by the Rules of the Special Magistrate and the Code of Ordinances of the City of Bartow. Copies of these Rules and Ordinances may be obtained at the Office of the City Clerk, City of Bartow. PLEASE GOVERN YOURSELF ACCORDINGLY.

FAILURE TO APPEAR AT THE TIME SET CAN RESULT IN AN ORDER BEING ENTERED IN ABSENTIA AND A LIEN BEING IMPOSED AGAINST YOUR REAL AND PERSONAL PROPERTY WHICH MAY CAUSE LEVY AGAINST PERSONAL PROPERTY AND FORECLOSURE ON REAL PROPERTY.

In accordance with the American with Disabilities Act, if you are a person with a disability who needs any accommodation to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the City Clerk's Office at 450 N. Wilson Avenue, P.O. Box 1069, Bartow, Florida 33831-1069 or phone (863) 534-0100 within 2 working days of your receipt of this Notice of Hearing; if you are hearing or voice impaired, call 1-800-955- 8771.

Dated: 11/18/2025

By: _____

A handwritten signature in black ink, appearing to read 'Tray Towles', written over a horizontal line.

Tray Towles
Director
Office of Code Compliance &
Neighborhood Services
City of Bartow, Florida