

**CODE ENFORCEMENT BOARD
CITY OF MIDDLESBORO
CASE #F020.0271**

CITY OF MIDDLESBORO,

PETITIONER,

VS.

SHARLENE SMIDDY

RESPONDENT.

NOTICE OF MUNICIPAL LIEN PURSUANT TO KRS 65.8835

CITY OF MIDDLESBORO, KENTUCKY

Notice is hereby given that the real property of Sharlene Smiddy, located at 505 Chester Avenue, Middlesboro, Kentucky, 40965, Parcel ID# 069-42-06-006.00, of record in the Bell County Court Clerk's Office in Deed Book 276 at Page 198, is subject to fine assessment(s) of the City of Middlesboro, Kentucky.

Based on violations of the City Code of Ordinance §151.14, 151.10, & 91.01(B)(D) as adjudicated in Case #F020.0271 by issuance of Final Order, dated June 24, 2021, by the Middlesboro Codes Enforcement Board, the City of Middlesboro, pursuant to City Code §32.122 and KRS 65.8835, hereby asserts a lien against the subject property hereinabove identified.

It is hereby certified that a copy of this Notice of Municipal Lien on Real Estate has been hand-delivered or mailed to the last known address of the above-named individual and to the Bell County Court Clerk, by regular first-class mail, postage pre-paid, on this the 20th day of SEPTEMBER 2023.

This instrument prepared by: Tim Kelley


Codes Enforcement Officer/ 606-248-5670 Ext 109
P.O. Box 756
Middlesboro, KY 40965

**CODE ENFORCEMENT BOARD
CITY OF MIDDLESBORO
CASE #F020.0271**

CITY OF MIDDLESBORO,

PETITIONER,

VS.


SHARLENE SMIDDY

RESPONDENT.

AFFIDAVIT OF TIM KELLEY, CODES ENFORCEMENT OFFICER

Affiant, Tim Kelley, Codes Enforcement Officer for the City of Middlesboro, Kentucky, hereby avers as follows:

1. The property at 505 Chester Avenue, Middlesboro, Kentucky, 40965, owned by Sharlene Smiddy, was cited for multiple violations of Middlesboro City Code housing/ nuisance violations.
2. The matter proceeded to a final hearing before the Middlesboro City Codes Enforcement Board under Case No #FO20.0271, wherein Findings of Fact were made and a Final Order issued on June 24, 2021.
3. The Codes Enforcement Board provides: "In the event that the violation(s) is not corrected on or before the date specified, then there shall be imposed upon the Respondent a civil fine of \$600.00 per month from date of Final Order and continuing each day, up to the maximum allowable fine for this offense, until the violation is corrected."
4. As the Codes Enforcement Officer for the City of Middlesboro, I attest that the citation and proceedings before the Codes Enforcement Board were effectuated and met all requirements of Chapter 32 of the Middlesboro City Code of Ordinances.



**TIM KELLEY, Codes Enforcement Officer
City of Middlesboro, Kentucky**

STATE OF KENTUCKY
COUNTY OF BELL

The foregoing Affidavit was subscribed, sworn to, and acknowledged before me by TIM

KELLEY on this the 20th day of September, 2023.

Sandra K. Wilson
NOTARY PUBLIC, State at Large

My Commission Expires: 2-1-26

SANDRA K. WILSON
NOTARY PUBLIC
COMMONWEALTH OF KENTUCKY
ID # KYNP42894
MY COMMISSION EXPIRES FEBRUARY 01, 2026

Code Enforcement Board

City of Middlesboro

Case # FO20.0271

City of Middlesboro, Kentucky

Petitioner

V

Sharlene Smiddy

Respondent(s)

Findings of Fact, Conclusions

Of Law, and Final Order

This cause was presented at a public hearing before the Code Enforcement Board on June 01, 2021, after due notice to the Respondent, and the Board having heard testimony, received evidence, heard and considered arguments, now issue its Findings of Fact, Conclusions of Law and Final Order, as follows:

Findings of Fact

The Respondent, Sharlene Smiddy, whose mailing address is P.O. Box 188, Middlesboro, Ky 40965, is the owner or person in charge of property located at 505 Chester Avenue, Middlesboro, Kentucky 40965.

The Respondent received a citation issued by John O'Boyle, dated May 13, 2021, which charged the Respondent with a violation of Section(s) 151.14, 151.10, 91.01(B)(D) of the Code of Ordinances of the City of Middlesboro, Kentucky described as follows: Every wall, window, door, floor, and porch shall be in good workmanlike state of maintenance and repair. Every dwelling unit shall have a safe, unobstructed means of egress. Accumulation of trash, rubbish, garbage, or other waste materials is considered a nuisance. Excessive weeds, grass, or other vegetation is considered a nuisance.

The Board finds, based on all of the testimony and evidence presented at the hearing, that the condition described in the citation did, in fact, exist at the time the citation was issued, that the condition did constitute a violation of Section(s) 151.14, 151.10, 91.01(B)(D) of the Code of Ordinances of the City of Middlesboro, Kentucky, and that the condition was caused by, or was the responsibility of, the Respondent as owner, or person in charge, of the property on which the violation occurred.

The next Code Enforcement Board meeting is July 06, 2021 at 1:00 P.M. in Council Chambers at Middlesboro City Hall.

Conclusions of Law

The Board concludes, based on the foregoing Findings of Fact, the Respondent, Sharlene Smiddy, has committed a violation of Section(s) 151.14, 151.10, 91.01(B)(D) of the Code of Ordinances of the City of Middlesboro, Kentucky, as charged in the citation.

Final Order

Respondent, Sharlene Smiddy, is hereby ordered to correct the violation(s) on or before 30 days from date of issue of Final Order. In the event that the violation(s) is not corrected on or before the date specified, then there shall be imposed against the Respondent a civil fine of \$600 per month from date of Final Order, and continuing each day, up to the maximum allowable fine for this offense, until the violation is corrected. The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is brought into compliance.

If Sharlene Smiddy fails to comply within the time specified, a certified copy of this order, together with a Claim of Lien, shall be recorded in the Office of the County Clerk, and once recorded, along with all charges and fees incurred by the City in connection with enforcement, shall constitute a lien against the property upon which the violation exists, pursuant to KRS 65.8835. Pursuant to Chapters 151 & 91 of the Code of Ordinances of the City of Middlesboro, enforcement may be ordered, including demolition, as deemed necessary, by the Code Enforcement Board. This lien may be foreclosed and the property sold to enforce the civil fine and all enforcement costs incurred by the City in connection with this matter.

Under KRS 65.8831, any final order issued by the Code Enforcement Board may be appealed to Bell County District Court. The appeal must be filed not later than thirty (30) from the date the Code Enforcement Board issues the final order.

DONE AND ORDERED THIS 24 day of June, 2021.

CODE ENFORCEMENT BOARD OF MIDDLESBORO, KENTUCKY

By: [Signature]

Chairman, Code Enforcement Board

I HEREBY CERTIFY that a true and accurate copy of the foregoing Findings of Fact, Conclusions of Law, and Final Order has been furnished by either hand delivery, or registered mail, to Respondent, Sharlene Smiddy, on this the 24 day of June, 2021.

[Signature]

Secretary, Code Enforcement Board

DOCUMENT NO: 198285
RECORDED: September 20, 2023 02:12:00 PM
TOTAL FEES: \$23.00
COUNTY CLERK: DEBBIE GAMBREL
DEPUTY CLERK: HEATHER SMITH
COUNTY: BELL COUNTY
BOOK: ENC59 PAGES: 185 - 189