

**CODE ENFORCEMENT BOARD  
CITY OF MIDDLESBORO  
CASE #F018.0048**

CITY OF MIDDLESBORO,

PETITIONER,

VS.

JAMES & POLLY ENGLE,

RESPONDENT.

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**NOTICE OF MUNICIPAL LIEN PURSUANT TO KRS 65.8835**


**CITY OF MIDDLESBORO, KENTUCKY**

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Notice is hereby given that the real property of James & Polly Engle, located at 1715 Winchester Avenue, Middlesboro, Kentucky, 40965, Parcel ID# 057-44-00-073.00, of record in the Bell County Court Clerk's Office in Deed Book 297 at Page 319, is subject to fine assessment(s) of the City of Middlesboro, Kentucky.

Based on violations of the City Code of Ordinance §91.01(D) as adjudicated in Case #F018.0048 by issuance of Findings of Fact and Final Order dated August 30, 2018 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 17<sup>th</sup> day of October, 2019.

  
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Codes Enforcement Office  
P.O. Box 756  
Middlesboro, KY 40965

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CITY OF MIDDLESBORO  
CASE #F018.0048**

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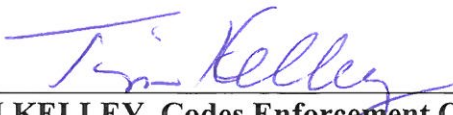
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**AFFIDAVIT OF TIM KELLEY, CODES ENFORCEMENT OFFICER**

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

1. The property at 1715 Winchester Avenue, Middlesboro, Kentucky, 40965, owned by James & Polly Engle, was cited for multiple violations of Middlesboro City Code nuisance violations.
2. The matter proceeded to a final hearing before the Middlesboro City Codes Enforcement Board under Case No. F018.0048, wherein Findings of Fact were made and a Final Order issued on August 30, 2018.
3. The Final Order issued by 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 \$50.00 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.

  
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**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 17 day of October, 2019.

Sandra K. Wilson #594257

NOTARY PUBLIC, State at Large

My Commission Expires: 2-1-22

## Code Enforcement Board

### City of Middlesboro

Case # FO18.0048

City of Middlesboro, Kentucky

Petitioner

V

James & Polly Engle

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 August 07, 2018, 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, James & Polly Engle, whose mailing address is 1715 Winchester Avenue, Middlesboro, Ky 40965, is the owner or person in charge of property located at 1715 Winchester Avenue, Middlesboro, Kentucky 40965.

The Respondent received a citation issued by Tim Kelley, dated July 13, 2018, which charged the Respondent with a violation of Section(s) 91.01(D) of the Code of Ordinances of the City of Middlesboro, Kentucky described as follows: Excessive growth of weeds, grass, and 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) 91.01(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 September 04, 2018 at 2:00 P.M. in Council Chambers at Middlesboro City Hall.**

## Conclusions of Law

The Board concludes, based on the foregoing Findings of Fact, the Respondent, James & Polly Engle, has committed a violation of Section(s) 91.01(D) of the Code of Ordinances of the City of Middlesboro, Kentucky, as charged in the citation.

## Final Order

Respondent, James & Polly Engle, 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 \$50 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 James & Polly Engle 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 Chapter 91 of the Code of Ordinances of the City of Middlesboro, enforcement may be ordered, 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 30<sup>th</sup> day of AUGUST, 2018.

CODE ENFORCEMENT BOARD OF MIDDLESBORO, KENTUCKY

For By: Jack Lewis  
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, ~~Harold James~~ JAMES & POLLY ENGLE, on this the 30<sup>th</sup> day of AUGUST, 2018.

Sally C. Smith, Jr  
Secretary, Code Enforcement Board

DOCUMENT NO: 180722  
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DEPUTY CLERK: JENNIFER BARNETT  
COUNTY: BELL COUNTY  
BOOK: ENC56 PAGES: 373 - 377