

**CODE ENFORCEMENT BOARD  
CITY OF MIDDLESBORO  
CASE #F019.0134**

CITY OF MIDDLESBORO,

PETITIONER,

VS.

DARYL & DONALD RAY KYLE EST,

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 Daryl & Donald Ray Kyle, located at 401 Doncaster Avenue, Middlesboro, Kentucky, 40965, Parcel ID# 070-30-00-097.00, of record in the Bell County Court Clerk's Office in Deed Book 377 at Page 784, 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 #F019.0134 by issuance of Uniform Code Citation dated October 02, 2019 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.

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

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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 401 Doncaster Avenue, Middlesboro, Kentucky, 40965, owned by Daryl & Donald Ray Kyle Est, was cited for multiple violations of Middlesboro City Code nuisance violations.
2. The matter will proceed to a final hearing before the Middlesboro City Codes Enforcement Board under Case No. UCC19.0134, issued on October 02, 2019.
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 \$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.

  
\_\_\_\_\_  
**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

**Uniform Code Citation # 19.0134**

**City of Middlesboro**

Citation # 19.0134

**The undersigned Code Enforcement Officer of the City of Middlesboro, certifies that He/ She has just and reasonable grounds to believe, and does believe that on:**

Day of week: Wednesday Date: 10/02/19 Time: 11:00 A.M.

**Premises Where Violation Occurred:**

Street Address: 401 Doncaster Avenue

City: Middlesboro State: Ky Zip: 40965

**The Following Person:**

Name: Daryl Kyle & Donald Ray Kyle Est

Street Address (If different from premises where violation occurred): \_\_\_\_\_

4200 Medallion Court Apt 501

City: Louisville State: Ky Zip: 40219

**Did Unlawfully Commit The Following Offense:**

Ordinance/ Code No.: 91.01(D)

Description of Violation: Excessive growth of weeds, grass, and other vegetation is considered a nuisance.

Remedial Measures Shall Include: Maintain all weeds, grass, and other vegetation within tolerances of ordinance.

Offense: [ X ] 1<sup>st</sup> [ ] 2<sup>nd</sup> [ ] 3<sup>rd</sup> [ ] Other

**Any expenses the City may incur for repair, demolition, and cleanup will be the responsibility of the appropriate landowner.**

Notice

The citation is issued pursuant to KRS 65.8801 et. seq. and Section \_\_\_\_\_  
\_ 91.01(D) \_\_\_\_\_ of the Code of Ordinances of the City of Middlesboro.  
The violation with which you have been charged is a civil offense.

If you choose not to contest the citation and pay the penalty to the city within seven (7) days, the fine for this offense is \$ 10.00.

If you choose to contest the citation and request a hearing before the Code Enforcement Board, the maximum penalty that may be imposed for this violation is \$ 50.00.

You must make appropriate requests within seven (7) days, to appear before the Code Enforcement Board, to show cause as to why the City should not proceed with further enforcement action, up to and including, demolition of said properties to abate the violations.

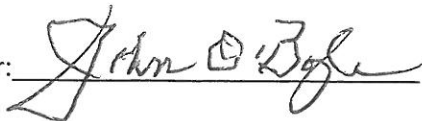
Failure to pay the applicable civil penalty, or request a hearing, in writing, from the Code Enforcement Board within seven (7) days of the date of issuance of this citation shall constitute a waiver of your right to contest the citation, and the determination that a violation was committed, shall be FINAL and cannot be appealed to the Code Enforcement Board or District Court.

Signature Of Individual: \_\_\_\_\_

Date and Time of Issuance: \_\_\_\_\_

Signature of Issuing

Code Enforcement Officer:



Print Name:

JOHN D. BOYLE

## Important Instructions

The issuance of the attached citation means that you have been charged with a civil offense which requires you to comply with one of the following options:

### Option # 1:

You may decide not to contest the violation and pay the civil penalty indicated in the NOTICE portion of the citation form by mail, or in person, within seven (7) days from the date of issuance.

If paying by mail, you must send a cashier's check or money order. Personal checks will not be accepted. Please do not send cash payment! Checks should be made payable to: City of Middlesboro. You may mail the amount of the fine indicated on the citation and all correspondence regarding this citation to:

City Of Middlesboro

Code Enforcement Office

P.O. Box 756

Middlesboro, Kentucky 40965

If you decide to make the payment in person, you may do so between the hours of 8:00 A.M. and 4:00 P.M., Monday through Friday, at the following location:

Middlesboro City Hall

Code Enforcement Office

221 N 21<sup>st</sup> Street

Middlesboro, Kentucky

### Option # 2:

If you disagree with the citation and wish to have a hearing, you may request a hearing before the City of Middlesboro Code Enforcement Board. Your request for a hearing must be in writing and the request must be received by the Code Enforcement Board within seven (7) days of the date the citation was issued. The written request must be mailed or personally delivered to the following address:

City of Middlesboro/ Code Enforcement Office

P.O. Box 756/ 221 N 21<sup>st</sup> Street

Middlesboro, Kentucky 40965

If you choose to have a hearing and are found to have committed the violation by the Code Enforcement Board, the Board may impose a maximum penalty of \$\_\_\_\_50.00\_\_\_\_ for the offense.

**If you fail to pay the civil penalty, or request a hearing within seven (7) days from the date of the citation was issued, you will have waived your right to contest this citation and the determination that a violation was committed shall be considered FINAL AND NONAPPEALABLE.**

**If you choose to pay the fine and not contest the violation, the remedial measures outlined in the citation, must still be performed, and the violation abated.**

If you need additional information regarding this citation, you may contact the Code Enforcement Office at the address listed above, or by phone at: 606-248-5670 Ext 109 & Ext 111.

DOCUMENT NO: 180727  
RECORDED: October 17, 2019 02:03:00 PM  
TOTAL FEES: \$25.00  
COUNTY CLERK: DEBBIE GAMBREL  
DEPUTY CLERK: JENNIFER BARNETT  
COUNTY: BELL COUNTY  
BOOK: ENC56 PAGES: 398 - 404