

**Special Magistrate for the
City of Haines City**

CITY OF HAINES CITY,
Petitioner,

Violation No:35014

vs.

**UPWARD AMERICA SOUTHEAST PROPERTY
OWNER LP
UPWARD AMERICA SOUTHEAST PROPERTY
OWNER LP**

Respondent(s),

NOTICE OF HEARING

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING
PLEASE GOVERN YOURSELF ACCORDINGLY**

Pursuant to Section 2.40 of the Code of Ordinances and Section 162.06 Florida Statutes, you are hereby called upon to take notice that a Public Hearing will be conducted in the above-styled cause, by the Special Magistrate, on **WEDNESDAY SEPTEMBER 25, 2024 at 8:45 a.m.** or as soon after as may be heard, in the Commission Chambers, City Hall, 620 E. Main St. Haines City, Florida. The Special Magistrate will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the testimony and evidence pertaining to the matters alleged in the attached Affidavit of Violation(s) and may issue a Final Order affording the proper relief. A certified copy of the Final Order may be recoded in public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by The Code Compliance Officer. Please govern yourself accordingly.

DATED: this 08/15/2024

SPECIAL MAGISTRATE OF THE
CITY OF HAINES CITY, FLORIDA

By: 
Michelle Escribano Code Compliance Specialist

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP, PO BOX 550609, ATLANTA GA 30355-3109. UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP 1038 CAITLIN LOOP HAINES CITY FL 33844

Return Receipt Number: 9489009000276582298077 & 9489009000276582298084

By: 
Michelle Escribano Code Compliance Specialist

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**Special Magistrate for the
City of Haines City**

CITY OF HAINES CITY,
Petitioner,

Violation No:35014

vs.

UPWARD AMERICA SOUTHEAST PROPERTY
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UPWARD AMERICA SOUTHEAST PROPERTY
OWNER LP
Respondent(s),

STATE OF FLORIDA
COUNTY OF POLK

AFFIDAVIT OF VIOLATION

BEFORE ME, the undersigned authority, personally appeared JOEL YANEZ, Code Officer for the City of Haines City, Florida, who after being duly sworn, deposes and states:

1. That UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP of PO BOX 550609, ATLANTA, GA 30355-3109, UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP 1038 CAITLIN LOOP HAINES CITY FL 33844 hereinafter referred to as "RESPONDENT", is the owner and/or responsible party of the real property located at 1038 CAITLIN LOOP, Haines City, FL the legal description of which is fully set forth on Exhibit A attached hereto.
2. That the described property is in violation of the Ordinance as shown in the Violation Details set forth in Exhibit A attached hereto.
3. That a true copy of the Violation Notice(s) previously provided to RESPONDENT is attached hereto.
4. That said violation(s) has/have not been corrected.
5. That a true copy of the Notice of Hearing to be served upon the RESPONDENT in conjunction with this Affidavit of Violation is attached hereto.

AFFIRMATION UNDER OATH

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me **physical presence** or **online notarization**, this 15TH day of AUGUST, 2024, by JOEL YANEZ, who is personally known to me or has produced as identification.

Joel Yanez
JOEL YANEZ
as the Code Officer for Haines City

August 15, 2024
Date

STATE OF FLORIDA
COUNTY OF POLK

BEFORE ME the undersigned authority personally appeared JOEL YANEZ, who is personally known to me and after being first duly sworn, deposes and says that affiant is the Code Inspector for the City of Haines City, and that the above Affidavit is true and correct to the best of affiant's knowledge and belief.

SWORN TO AND SUBSCRIBED before me, on August 15, 2024
(AFFIX NOTARY STAMP)



Michelle Escribano
Notary Public, State of Florida

Michelle Escribano
Printed/Typed Name

Special Magistrate for the City of Haines City

Exhibit A

Legal description of property owned by RESPONDENT, UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP located at PO BOX 550609, ATLANTA GA 30355-3109, UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP 1038 CAITLIN LOOP HAINES CITY FL 33844 and is described as: ESTATES AT LAKE HAMMOCK PHASE TWO PB 182 PG 21-22 LOT 27, Sub.: and further described as: 1038 CAITLIN LOOP, HAINES CITY, FL, 33844.

Violation:

LANDSCAPE PLAN
MAINTENANCE/LDR SEC.
10.6.6:

VEGETATION WHICH IS REQUIRED TO BE PLANTED OR PRESERVED BY THIS CHAPTER (LANDSCAPING AND TREE PROTECTION) SHALL BE REPLACED WITH EQUIVALENT VEGETATION IF IT IS NOT LIVING WITHIN ONE YEAR OF ISSUANCE OF A CERTIFICATE OF OCCUPANCY. PRESERVED TREES FOR WHICH CREDIT WAS AWARDED, WHICH SUBSEQUENTLY DIE, SHALL BE REPLACED BY THE REQUISITE NUMBER OF LIVING TREES ACCORDING TO THE STANDARDS ESTABLISHED IN SECTION 10.6.1.

Mailed to:

UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP
PO BOX 550609
ATLANTA GA 30355-3109

UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP
1038 CAITLIN LOOP
HAINES CITY FL 33844



CITY OF HAINES CITY VIOLATION NOTICE

Case Number: 35014	Date of Violation: 11/03/2023	Property Address: 1038 CAITLIN LOOP
Property Owner(s): UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP	Property Owner(s) Address: PO BOX 550609 ATLANTA, GA 30355-3109	Bank/Occupant Name & Address: UPWARD AMERICA SOUTHEAST PROPERTY OWNER LP 1038 CAITLIN LOOP HAINES CITY FL 33844
Parcel Number: 26-27-13-489189-000270		
Property Description: ESTATES AT LAKE HAMMOCK PHASE TWO PB 182 PG 21-22 LOT 27		

NOTICE:

You have been issued a Notice of Violation for violating the City of Haines City Codes and/or Regulations. You have been given reasonable time to correct the violation(s), and a re-inspection of the above property will be performed on the date indicated below. Your failure to correct the violation within the time period specified may result in a complaint being filed against the above property owner(s) with the Special Magistrate. Any action taken by the City of Haines City, the authority having jurisdiction, could result in a fine that will be charged against the real estate upon which the violation(s) are located and shall be a lien upon such real estate and all other real property owned. If you are unsure about any requirements necessary to correct this violation(s), please contact the City of Haines City Code Compliance Division at 35400 U.S. Highway 27 Haines City, Fl. 33844 or call 863-421-9937 between the hours of 8:30 AM and 4:30 PM Monday through Friday.

Violation(s): LANDSCAPE PLAN MAINTENANCE/LDR SEC. 10.6.6	
Violation(s) Description: VEGETATION WHICH IS REQUIRED TO BE PLANTED OR PRESERVED BY THIS CHAPTER (LANDSCAPING AND TREE PROTECTION) SHALL BE REPLACED WITH EQUIVALENT VEGETATION IF IT IS NOT LIVING WITHIN ONE YEAR OF ISSUANCE OF A CERTIFICATE OF OCCUPANCY. PRESERVED TREES FOR WHICH CREDIT WAS AWARDED, WHICH SUBSEQUENTLY DIE, SHALL BE REPLACED BY THE REQUISITE NUMBER OF LIVING TREES ACCORDING TO THE STANDARDS ESTABLISHED IN SECTION 10.6.1.	
Narrative: THE REQUIRED TREES FOR THE SITE ARE DEAD AND NEED REPLACED.	
Recommended Corrective Action: REPLACE ALL DEAD LANDSCAPE WHICH INCLUDES ANY TREES AND SHRUBS.	
To Be Corrected By: 08/15/2024	
Code Compliance Officer: JOEL YANEZ	Certified Mail #: 9489009000276582299197 & 9489009000276582299203