

HENDERSON COUNTY
CODE ENFORCEMENT BOARD
DEFAULT ORDER

Issued to:

TOMMY HOLT
328 CHAMPION HILLS RD, UNIT 18D
KUTTAWA, KY 42055

Citation No: HC2024-19-4

Date of Issuance: 7/29/2024

Physical Address of Property: 14089 Tom Smith Road, Henderson, KY 42420

Date and Time Violation Noted: 7/26/2024 at 10:02 PM

WHEREAS, a Citation for Violation of the Henderson County Nuisances and Unsafe Structures Ordinance as adopted by Henderson County Fiscal Court was served upon the above-named owner(s) and/or occupier(s) of the above listed property on July 29, 2024 for the following violation(s):

Violation(s):

Section 176-6 Unsafe and Unfit Structure(2nd Offense), 176-8 Public Nuisance(4th Offense), 176-9 Sanitation(2nd Offense), 176-11 Inoperable Vehicles, Scrap, Salvage Materials Wrecked/inoperative mobile home(2nd Offense), 176-12 Rubbish & Garbage(2nd Offense), 176-13 Weeds(4th Offense), 176-14 Harborage(4th Offense)

Facts Constituting the Offense: The house/manufactured home is unsafe and unfit for human habitation and use due to being badly damaged, decayed and dilapidated and does not have essential services such as electric and water and shall not be occupied. The structure is dangerous to the occupants and other residents of Henderson County. The structure is severely damaged, decayed, dilapidated and shall be condemned. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The property and premises also have trash, junk, debris, scrap, salvage materials and large pile of limbs on it and has excessive growth of weeds and grass that can harbor snakes, mosquitos and other pests.

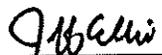
The Respondent, Tommy Holt, having failed to pay the fine herein and/or to appeal the citation to the Code Enforcement Board within seven (7) days of the date of the Citation; and thus having waived her right to appeal this matter to the Code Enforcement Board or the Henderson District Court.

IT IS HEREBY ORDERED that the above-named owner(s) and/or occupier(s) of the listed property are hereby fined the amount of \$820.00 and Citation HC2024-19-4 is hereby adopted and incorporated herein pursuant to the Henderson County Nuisances and Unsafe Structures Ordinance 21-13 Section 13-36(7).

Said fine shall continue to be a lien against the property for ten (10) years from the date of lien recordation, or unless the full lien amount is paid, including any and all costs associated with the enforcement and entry of this order, and any and all abatement costs which may be expended by the County to remedy the nuisance; and shall bear interest at the statutory rate until paid in full.


Date: 8/26/2024
Donnie Beal
Code Enforcement Board Chairman

This Instrument Prepared By:


Jeff Ellis, Code Enforcement Board Sec.
20 N. Main Street, Ste. 201
Henderson, KY 42420
PH: (270) 631-0000 EXT 1228
Email: jellis@hendersonky.us

TO CLERK: Please index as follows:
Grantor: Holt, Tommy
Grantee: County of Henderson



NOTICE OF LIEN CLAIMED

**HENDERSON COUNTY GOVERNMENT CODE ENFORCEMENT LIEN
AND AFFIDAVIT OF CIVIL PENALTY AND/OR ABATEMENT AGAINST THE
PROPERTY LOCATED AT**

14089 Tom Smith Road, Henderson KY 42420

COUNTY OF HENDERSON, KENTUCKY

CLAIMANT

VS.

TOMMY HOLT

OWNER(S)

ACTION TYPE: Citation & Abatement

ACTION DATE: 7/29/2024

ACTION COST: \$1,170.00 (\$820.00 Civil Penalty + \$350.00 Abatement Cost)

CASE#: HC2024-19-4

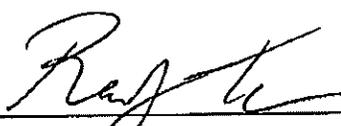
COMES NOW, the undersigned Affiant, who is duly authorized to issue citations on behalf of the Henderson County Government's Division of Code Enforcement, and, *after being duly sworn*, states the following:

1. That on or about the above "ACTION DATE", the Affiant, acting on behalf of the Henderson County Government, and pursuant to Kentucky Revised Statute (KRS) 65.8838(6) and Chapter 13, Article V, of the Code of Ordinance of Henderson County, Kentucky, Henderson County Government (the "Code"), issued a civil penalty in the amount of the above "ACTION COST", which includes any applicable administrative fee and/or cost of legal advertisement and/or any accrued abatement cost, against the OWNER(s) for the condition of real property located at:

10489 TOM SMITH ROAD, HENDERSON, KY 42420

(the "Property");

2. That: (a) at all relevant time the OWNER(s) was in violation of certain provisions of the Code due to certain condition(s) on the real property; (b) the OWNER(s) was provided the required legal notice of such violation(s) in accordance with the applicable law, but failed to timely and/or satisfactorily abate and/or correct or repair them or did not otherwise comply with the requirements of the Code such that the issuance of this civil penalty was appropriate; (c) the OWNER(s) either failed to exercise his or her right to an administrative hearing as provided under the Code to contest the violation(s), or appealed said violation(s) to an administrative hearing officer, who entered an order upholding this civil penalty; and (d) this lien is consistent with the provisions of any Administrative Hearing Order that may have been issued in this matter;
3. That a lien on the Property in the principal amount of the ACTION COST is hereby noticed, asserted, and confirmed as provided in the aforementioned laws;
4. That pursuant to KRS 65.8835(1) (c) and KRS 65.8838(8), *this lien shall be superior to and have priority over all other liens on the property, except state, county, school board, and city taxes;*
5. That pursuant to KRS 360.010, this lien shall accrue interest at the rate of eight percent (8%) per annum from the date of recordation; and
6. That the OWNER(s) shall also be responsible for any costs or expenses incurred by the Henderson County Government in recording or releasing this lien plus court costs, if any, for collection until paid.

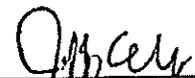
BY: 
 Randy Tasa
 Code Enforcement Officer

COMMONWEALTH OF KENTUCKY)

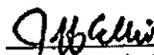
COUNTY OF HENDERSON)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Randy Tasa, the Code Enforcement Officer with the Division of Code Enforcement, Henderson County Government, on this the 26th day of August, 2024.

My commission expires: Sept. 9, 2025


 Notary Public – Jeff Ellis
 Kentucky, State-at-Large
 Notary ID# KYNP36263

PREPARED BY:


 Jeff Ellis, Code Enforcement Board Sec.
 20 N. Main Street, Ste. 201
 Henderson, KY 42420
 Phone: (270) 631-0000
 Email: jellis@hendersonky.us

← CONTACT FOR PAYOFF INFORMATION

HENDERSON COUNTY CODES DEPARTMENT

RANDY TASA – CODES ADMINISTRATOR

1990 BARRETT CT., SUITE H

(270) 827-6030

rtasa@hendersonky.us

CITATION

CONDEMNATION

Issued to:

Tommy Holt
328 Champion Hills Rd, Unit 18D
Kuttawa, KY 42055

Citation No: HC2024-19-4
Date of Issuance: 7/29/2024

Physical Address of Property: 14089 Tom Smith Road, Henderson, KY 42420

Date and Time Violation Noted: 07/26/2024 at 10:02 AM

On the date and time noted above, the property at 14089 Tom Smith Road was found to be in violation of one or more sections of the Henderson County Nuisances and Unsafe Structures Ordinance as adopted by Henderson County Fiscal Court as described below:

Violation(s):

Section 176-6 Unsafe and Unfit Structure(2nd offense), 176-8 Public Nuisance (4th offense), 176-9 Sanitation(2nd offense), 176-11 Inoperable Vehicles, Scrap, Salvage Materials Wrecked/inoperative mobile home(2nd), 176-12 Rubbish & Garbage(2nd), 176-13 Weeds (4th), 176-14 Harborage (4th)

Facts Constituting the Offense:

The house/manufactured home is unsafe and unfit for human habitation and use due to being badly damaged, decayed and dilapidated and does not have essential services such as electric and water and shall not be occupied. The structure is dangerous to the occupants and other residents of Henderson County. The structure is severely damaged, decayed, dilapidated and shall be condemned. All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The property and premises also have trash, junk, debris, scrap, salvage materials and large pile of limbs on it and has excessive growth of weeds and grass that can harbor snakes, mosquitos and other pests.

Total of fines: \$820.00

Civil Fines:

- (a) Uncontested- If the citation of the violation noted above is not contested, the penalties set forth are as follows in Offense/Fine schedule below.
- (b) Contested- If the citation of the violation noted above is contested and a hearing before the Henderson County Code Enforcement Board is required, the maximum penalties set forth are as follows in Offense/Fine schedule below.

HENDERSON COUNTY CODES DEPARTMENT
RANDY TASA – CODES ADMINISTRATOR
 1990 BARRETT CT., SUITE H
 (270) 827-6030
 rtasa@hendersonky.us

CITATION
CONDEMNATION

VIOLATION (Uncontested)	1 st Offense	2 nd Offense	All Others
§176-6	\$125.00	\$150.00	\$200.00
§176-7	\$125.00	\$150.00	\$200.00
§176-8	\$50.00	\$100.00	\$150.00
§176-9	\$30.00	\$60.00	\$100.00
§176-10	\$30.00	\$60.00	\$100.00
§176-11	\$50.00	\$100.00	\$200.00
§176-12	\$30.00	\$60.00	\$100.00
§176-13	\$50.00 (plus \$5 per acre)	\$75.00 (plus \$5 per acre)	\$100.00 (plus \$5 per acre)
§176-14	\$50.00	\$100.00	\$200.00

VIOLATION (Contested)	1 st Offense	2 nd Offense	All Others
§176-6	\$200.00	\$225.00	\$300.00
§176-7	\$200.00	\$225.00	\$300.00
§176-8	\$100.00	\$150.00	\$200.00
§176-9	\$30.00	\$60.00	\$100.00
§176-10	\$30.00	\$60.00	\$100.00
§176-11	\$50.00	\$100.00	\$250.00
§176-12	\$30.00	\$60.00	\$100.00
§176-13	\$50.00 (plus \$5 per acre)	\$75.00 (plus \$5 per acre)	\$150.00 (plus \$5 per acre)
§176-14	\$50.00	\$100.00	\$250.00

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Unless the citation is contested, all fines shall be paid in full to Henderson County within seven (7) days of the date of issuance, either in person or by mail to the office of Henderson County Fiscal Court located at 20 N. Main Street, Henderson, KY 42420.
Include a copy of the citation with payment of fines.

TOTAL OF FINES: \$820,00

Procedure to Contest the Citation:

The person to whom the citation is issued has the right to request, in writing, a hearing to contest the citation within seven (7) days of the date of issuance. The request for a hearing shall be submitted to the office of Henderson County Codes Department at 1990 Barret Court, Suite H, Henderson, KY 42420.

If you choose to contest the citation, a hearing will be held on August 26th at 4pm in the Fiscal Court Room at 20 North Main Street, Henderson, KY 42420 on the third floor.

Failure to Respond:

If the person to whom the citation is issued fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation, as issued, shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be deemed to have waived the right to appeal the final order to Henderson District Court.

Authority to Abate:

The code enforcement officer has the authority to abate any and all deficiencies contained in the citation with all charges and fees incurred by the County in connection with the enforcement of the ordinance billed to the owner.

Section 13-44 Transfer of ownership:

It shall be unlawful for the owner of any dwelling unit or structure who has received a notice of violation, or upon whom a citation or final order has been served to sell,

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RANDY TASA – CODES ADMINISTRATOR
1990 BARRETT CT., SUITE H
(270) 827-6030
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transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice of violation, citation or final order have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice of violation, citation or final order issued by the code enforcement officer and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice of violation, citation or final order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice of violation, citation or final order.

Randy Tasa

Randy Tasa, Henderson County Codes Administrator



Tompkins Hauling & Excavating
 7955 State Route 56
 Sebree, KY 42455 USA
 +12705211005

BILL TO
 Mr. Randy Tasa
 Henderson County Codes Office
 5682 Airline Road
 Henderson, KY 42420

INVOICE #	DATE	TOTAL DUE	DUE DATE	TERMS	ENCLOSED
411694	08/09/2024	\$1,050.00	09/08/2024	Net 30	

QTY	ACTIVITY	AMOUNT
1	4052r with Bushhog Mowing property at 14089 Tom Smith Road	350.00
1	4052r with Bushhog Mowing property at 3566 Henry's Way	350.00
1	4052r with Bushhog Mowing property at 1116 First Avenue/Baskett	350.00

SUBTOTAL 1,050.00
 TAX (0%) 0.00
 TOTAL 1,050.00
 BALANCE DUE **\$1,050.00**



2024007736
 HENDERSON CO, KY FEE \$20.00
 PRESENTED / LODGED: 08-28-2024 03:28:24 PM
 RECORDED: 08-28-2024
 RENESA ABNER
 CLERK
 BY: SHANNA BILLINGS
 DEPUTY CLERK
BK: EC 110
PG: 167-173

Thank you for the Business!

All past due invoices will be charged a 8% late fee.