

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

INDIAN RIVER COUNTY
a political subdivision of the State of Florida

Plaintiff,

v.

Case No:

Judge:

THE YATES GROUP, LLC, DALLAS
YATES and JANES YATES (or their
estates thereof),

Defendant.

COMPLAINT FOR INJUNCTIVE RELIEF

The Plaintiff, Indian River County (the "County"), by and through its undersigned attorney, and pursuant to Rule 1.610, Florida Rules of Civil Procedure, requests that this Court enter an order granting this Complaint for Injunctive Relief against the co-defendants, The Yates Group, LLC, Dallas Yates and Janes Yates, (or their estates thereof) concerning the property located at 8835, 8845, 8883, 8885, 8887, and 8889 64th Ave., Sebastian, Indian River County, Florida, and in support states as follows:

Jurisdiction and Venue

1. This is an action for injunctive relief that is within the subject matter jurisdiction of this Court.
2. Venue is proper because the County's principal address is in Indian River County, Florida, and the Co-Defendants' residential address is in Indian River County, Florida.

Parties

3. The County is a political subdivision of the State of Florida, with the power to sue for injunctive relief to enforce its duly enacted regulations.

4. Jane and Dallas Yates are the listed owners of the following described property since 1963:

Begin at the Northeast Corner of the Northwest 1/4 of the Southwest ¼ of Section 29, Township 31 South, Range 39 East, for a point of beginning. Thence run West 165 feet. Thence run South 528.8 feet. Thence run East 165 feet. Thence run North 528.4 feet to the point of beginning

A copy of the deed to the property is attached to this complaint as “exhibit 1”, and incorporated by reference herein (“Subject Property”).

5. The Yates Group, LLC, is the management company allegedly responsible for the Subject Property.

Statement of the Facts

6. The Subject Property is zoned as a multifamily use and has four structures and at least five septic tanks. Please see “exhibit 2.” The southernmost structure is a church and is located at 8835 64th Ave., (“Structure A”). Adjacent to the north of Structure A is a single-family residence and its address is 8845 64th Ave., (“Structure B”). Adjacent to the north of Structure B is a duplex that has the following addresses: 8883 and 8885 64th Ave., (“Structure C”). Adjacent to the north of Structure C is a second Duplex that has the following addresses: 8887 and 8889 64th Ave., (“Structure D”).

7. The owners of the Subject Property, Dallas Yates and Jane Yates, are both deceased and neither estate has been probated in Indian River County. Please see “exhibit 3A” and “exhibit 3B.”

8. The deed for the Subject Property list both Dallas Yates and Jane Yates without any reference to survivorship. Please see “exhibit 1.”

9. The owners, collectively, had four children: Phyllis Rose Bryant Gilley, Raymond Lawrence Bryant, Sr., Dallasteen Joy Yates, and Jeffrey Arles Yates. Please see Exhibit 3a and 3b.

10. The Subject Property is currently being used as a rental property and is allegedly managed by The Yates Group, LLC. Please see “exhibit 8” and “exhibit 9.”

11. Dallesteen Yates is the registered agent for The Yates Group, LLC. Please see “exhibit 4.” Dallesteen Yates is also the daughter Dallas Yates and Jane Yates. Please see “exhibit 3A” and “exhibit 3B.”

12. On February 7, 2018, the Florida Health Department of Indian River County (“DOH”) inspected the Subject Property after it received a complaint about a sanitary nuisance. During this inspection, DOH confirmed there are at least five altered and failing septic tank systems servicing four structures on the Subject Property. DOH also noticed several pipes discharging untreated human sewage directly onto the open ground and into a ditch in the rear of the Subject Property. Specifically:

- Structure A: This structure’s septic tank has been severely damaged beyond repair, and does not have a lid. A tree is growing through the septic tank and there is an opening that constitutes a safety hazard. Please see “exhibit 2, photo 1.” This structure has several discharge pipes that are not connected to any sewage

treatment system, and are discharging sewage onto the open ground. Please see “exhibit 2, photo 1A.”

- Structure B: There are two tanks servicing this structure that are not watertight due to holes in the lids. Please see “exhibit 2, photo 2.” This is allowing for sewage to be spilt onto the open ground. This structure has several discharge pipes that are not connected to any sewage treatment system, and are discharging sewage onto the open ground. Please see “exhibit 2, photo 2.”
- Structure C: This structure’s septic tank has been damaged beyond repair. The tank is not watertight due to large cracked in the lid. Please see “exhibit 2, photo 5.” This structure has a single discharge pipe that passes the septic tank and discharges directly into a ditch in the rear of the property. Please see “exhibit 2, photo 4”, “exhibit 2, photo 6” and “exhibit 2, photo 7.”
- Structure D: This structure’s septic tank has a damaged lid that is not watertight, and the drainfield for this system’s drainfield has failed, causing sewage to be discharged onto the open ground. Please see “exhibit 2, photo 8.”

13. It is a violation of Rule 64E-6.003 Florida Administrative Code (F.A.C.) to use an altered, modified, or damaged septic tank.

14. The exposure of untreated human waste is a violation of Sections 386.041(1)(a), Florida Statutes.

15. The improperly built or maintained septic tanks is a violation of Section 386.041(b), Florida Statutes.

16. The conditions on the Subject Property constitute the creation and maintenance of a condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases, directly or indirectly to humans in violation of Section 386.041(e), Florida Statutes.

17. DOH also observed a washing machine connected to Structure D that discharges wastewater directly onto the open ground. Please see “exhibit 1, photo 8A.” This discharge of wastewater constitutes sanitary nuisances that are a violation of Sections 386.041(1)(a), and (e) of F.S.

18. Additionally, there is a large pile of solid waste and unmaintained overgrown vegetation throughout the underlying property. Please see “exhibit 2, photo 9” and “exhibit 2, photo 10.” This has (1) created conditions for rodent and roach harborage, (2) created, maintained or caused a condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases, directly or indirectly to humans, and (3) created a condition that is harmful to human and animal life, and can causes the release of air pollutants, gases, and noisome odors which are harmful to human and animal life. The referenced pile of solid waste and overgrown vegetation is a nuisance that can be injurious to the health of humans and violate Sections 386.041(1)(a), and (e), and (f), Florida Statutes.

19. On February 8, 2018, DOH sent a Notice of Violation to the listed owners of the Subject Property via certified mail. DOH also placed a copy of the Notice of Violation at the primary residence of the owners located at 3810 45th Street, Vero Beach, FL 32967. Please see “exhibit 5.”

20. Subsequently, DOH discovered that the owners were both deceased.

21. On February 14, the service of processor left a notice at the Subject Property and the Notice of Violation was returned to DOH. Please see “exhibit 6.”

22. On February 15, 2018, DOH received a verbal confirmation from Ms. Dallasteen Yates that she received a copy of the Notice of Violation. Ms. Dallasteen Yates also confirmed that her parents are deceased and she manages the Subject Property through a property management company called Yates Group, LLC. Please see “exhibit 7.”

23. On April 4, 2018, DOH requested and received a copy of case numbers 312018CC000454 and 312018CC000453. Please see “exhibit 8” and “exhibit 9.” Both of these cases involve Structure C on the Subject Property. According to the answer found in case number 312018CC000453, there is sewage backing up into the bathtub of the apartment. Please see “exhibit 8.”

24. On April 11, 2018, DOH hand-delivered an amended Notice of Violation and a letter from the Assistant County Attorney for Indian River County. Please see “exhibit 10”, “exhibit 11” and “exhibit 12.” This time the Yates Group, LLC, was included.

Count I: Injunctive Relief

25. The County adopts and incorporates by reference paragraphs 1 through 24 as set forth herein.

26. Where the government seeks an injunction in order to enforce its police power, any alternative legal remedy is ignored and irreparable harm is presumed. Metropolitan Dade County v. O'Brien, 660 So. 2d 364, 365 (Fla. 3rd DCA 1995). In doing so, any alternative legal remedy is ignored and irreparable harm is presumed. *Id.*; Rudge v. City of Stuart, 65 So. 3d 645, 647 (Fla. 4th DCA 2011).

27. The issuance of a temporary injunction requires a showing of four elements: (1) irreparable harm; (2) a clear legal right; (3) an inadequate remedy at law; and (4) the public interest will be served. Weinstein v. Aisenberg, 758 So.2d 705, 706 (Fla. 4th DCA 2000; Rudge at 647.

28. In the alternative, the issuance of a permanent injunction requires a showing of three elements: (1) the act or conduct to be enjoined violates a clear legal right; (2) there is no adequate remedy at law; and (3) injunctive relief is necessary to prevent an irreparable injury. Hollywood Towers Condominium Ass'n, Inc., v. Hampton, 40 So. 3d 784 (Fla. 4th DCA 2010).

29. Pursuant to Chapter 85-427, Florida Statutes, and the Amendment to Amended Rules of Conduct of Proceedings Before the Indian River County Environmental Control Hearing Board dated May 27, 1999, the Environmental Control Officer may enforce any violation of a county ordinance, all laws of the State of Florida, and all of the rules of state agencies, including the Department of Environmental Protection and the Department of Health by filing a civil action in the name of Indian River County.

30. The Subject Property has a number of sanitary nuisances that could injure the tenants, visitors, or the general public. These violations clearly violate the law and the County has a clear legal right to an injunction to stop the above-referenced violations of the laws, rules and regulations of the State of Florida.

31. As of the date of filing this complaint, the Subject Property has not been brought into compliance with the laws of the State of Florida. Photos of the Subject Property and the corresponding dates are attached to the complaint as exhibit 2, and are incorporated by reference herein.

32. The use of an injunction is necessary to abate the ongoing sanitary nuisances because there is no adequate remedy of law. Both of the owners, Dallas Yates and Jane Yates, are deceased, and neither estate has been probated. Also, the registered agent for the Yates Group, LLC, has indicated that it is too expensive to fix the safety and sanitary nuisances on the Subject Property.

33. It would serve the interests of the public as well as prevent irreparable injury to the tenants, visitors, and/or general public if this Court entered an injunction to: (1) require the Yates Group, LLC, to hire a certified septic tank contractor or licensed plumber to abandon all of the existing septic tanks on the Subject Property; (2) prohibit the Subject Property from being occupied while there continues to be a sanitary nuisance; (3) prohibit the Subject Property from being occupied until new septic tank systems are installed; and (4) require the Yates Group, LLC, or a subcontractor, to clean all of the waste piles and vegetation from the Subject Property.

WHEREFORE, Plaintiff, INDIAN RIVER COUNTY, FLORIDA, respectfully requests that this Court:

- A. Enter a temporary or permanent injunction directing the Yates Group, LLC, the Estate of Dallas Yates and/or the Estate of Jane Yates to abandon the existing septic tanks on the Subject Property.
- B. Enter a temporary or permanent injunction to enjoin the Subject Property from being occupied while there are exposed sanitary and safety nuisances related to open septic tanks.
- C. Enter a temporary or permanent injunction to enjoin the Subject Property from being occupied until new septic tanks and drainfields are installed by a certified septic contractor to service the existing structures.

- D.** Enter a temporary or permanent injunction directing the Yates Group, LLC, the Estate of Dallas Yates and/or the Estate of Jane Yates to permanently remove the waste piles and vegetation from the Subject Property.
- E.** Plaintiff also seeks all such other relief as the Court deems just and appropriate.

Respectfully submitted this ___ day of May, 2018.

Kate Pingolt Cotner,
Assistant County Attorney
Indian River County Attorney's Office
Florida Bar No: 544701
1801 27th Street, Vero Beach, FL 32960
Telephone: (772) 226-1424
Primary Email: kcotner@ircgov.com

28003

WARRANTY DEED
DREW'S FORM 01 (REV. 1)

Manufactured and for sale by The M. & W. S. Drew Company
Jacksonville, Florida

ST. STAMPS

\$ 9.00

D. STAMPS
\$ 3.30

This Warranty Deed Made the 14th day of November, A. D. 1963, by
LEILA W. JACKSON, a single person, and GERTRUDE W. SHACKLEFORD, a
single person,

hereinafter called the grantor, to DALLAS YATES and JANE YATES, his wife,

whose postoffice address is P. O. Box 5205, Cliford, Florida,
hereinafter called the grantees.

(Whereas said terms the terms "grantor" and "grantee" include all the parties to this instrument and
the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth: That the grantor for and in consideration of the sum of \$ 10.00 and other
valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, re-
leases, conveys and confirms unto the grantees, all that certain land situate in Indian River
County, Florida, viz:

Begin at the Northeast Corner of the Northwest 1/4 of the
Southwest 1/4 of Section 29, Township 31 South, Range
39 East, for a point of beginning. Thence run West 165
feet. Thence run South 528.8 feet. Thence run East 165
feet. Thence run North 528.4 feet to the point of
beginning.

Filed and recorded this 16th day of December, 1963
DOUGLAS BAKER, CLERK OF CIRCUIT COURT
By *Jane P. [Signature]* Deputy Clerk



Together with all the tenements, hereditaments and appurtenances thereto belonging or in any
wise appertaining

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantees that the grantor is lawfully seized of said land
in fee simple, that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of
all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent
to December 31, 19 63.



In Witness Whereof, the said grantor has signed and sealed these presents, the day and year
first above written.

Signed, sealed and delivered in our presence

Audrey Erickson
Audrey Erickson

Leila W. Jackson
Gertrude W. Shackelford
Leila W. Jackson
Gertrude W. Shackelford

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that on this day, before me, an officer duly
authorized in the State aforesaid and in the County aforesaid to take
acknowledgments, personally appeared LEILA W. JACKSON, a
single person, and GERTRUDE W. SHACKLEFORD,
a single person,

to me known to be the persons described in and who executed the
aforegoing instrument and they acknowledged before me that they
executed the same.

WITNESS my hand and official seal in the County and
State last aforesaid this 14th day of
November, A. D. 1963.

Audrey Erickson
Notary Public, State of Florida at
Large. My Commission expires: MAY 22, 1967

OFFICIAL RECORD
BOOK 183 PAGE 441

exhibit 1



exhibit 2

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:21pm

Photo 1

Tree growing out of broken septic tank behind Structure A (Church)

exhibit 2, photo 1

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



5/8/18 9:33am
Photo 1A
Discharge Pipes coming from Church(Structure A)

exhibit 2, photo 1A

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:13pm

Photo 2

Two septic tanks with holes in the lids, with evidence of failure. Also shown is the discharge pipe in between tanks and Structure B(House). These tanks serve Structure B(House).

exhibit 2, photo 2

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:16pm

Photo 3

Irrigation well for property 21ft from non-watertight septic tank serving Property B(house).

exhibit 2, photo 3

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:03pm

Photo 4

Discharge Pipe Leading from Structure C(Duplex 1)

exhibit 2, photo 4

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:05

Photo 5

Broken Septic Tank serving structure C(Duplex 1)

exhibit 2. photo 5

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



3/21/18 10:15am

Photo 6

Discharge pipe and broken septic tank serving Structure C(Duplex 1)

Exhibit 2, photo 6

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:13pm

Photo 7

Recently repaired, buried discharge pipe leading into the overgrown garbage area, from Structure C(Duplex 1).

exhibit 2, photo 7

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:01pm

Photo 8

Septic tank serving structure D(Duplex 2). Overgrown and ponded with sewage.

exhibit 2, photo 8

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:38pm

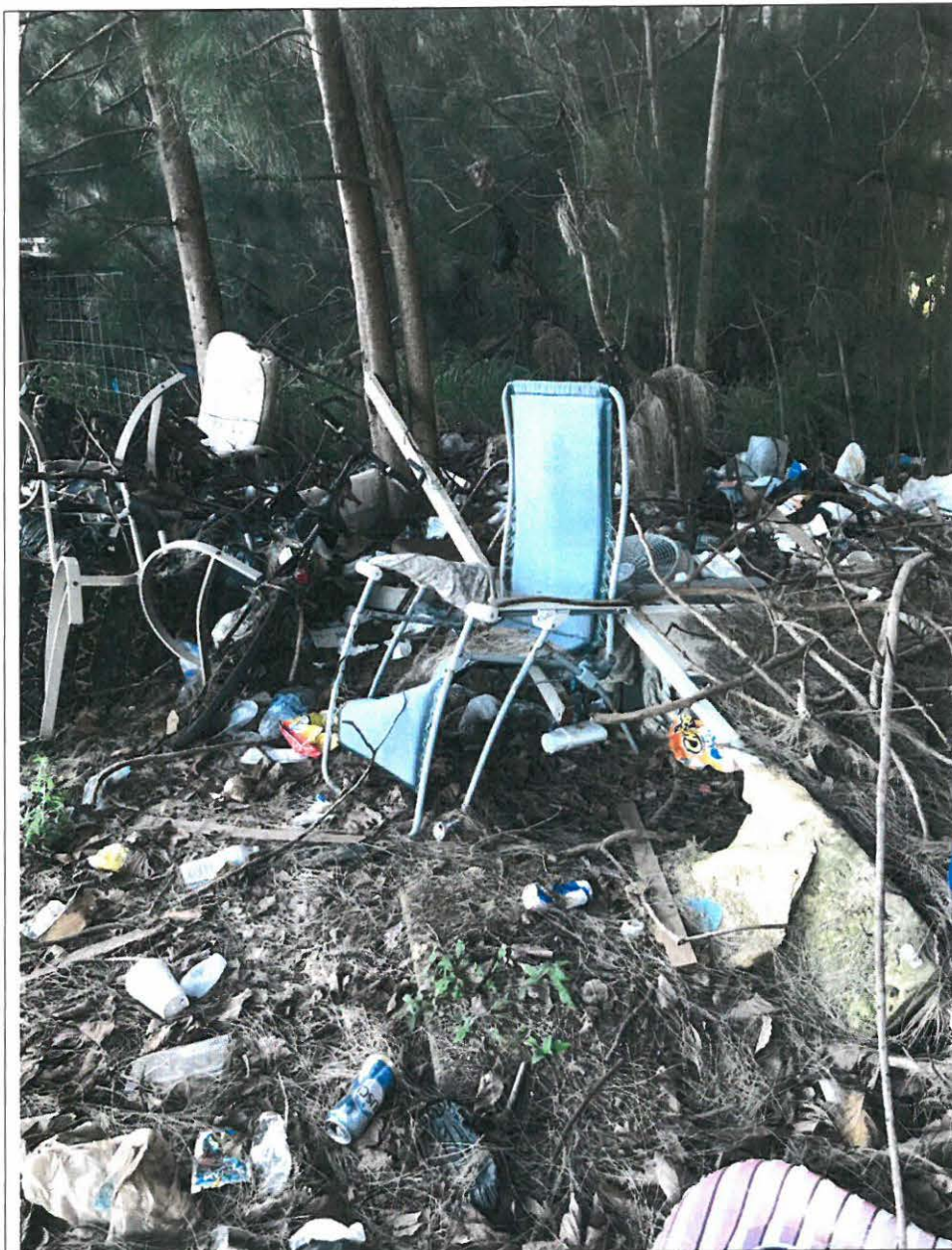
Photo 8A

Washing Machine of Structure D(Duplex 2)

exhibit 2, photo 8A

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/6/18 4:36pm

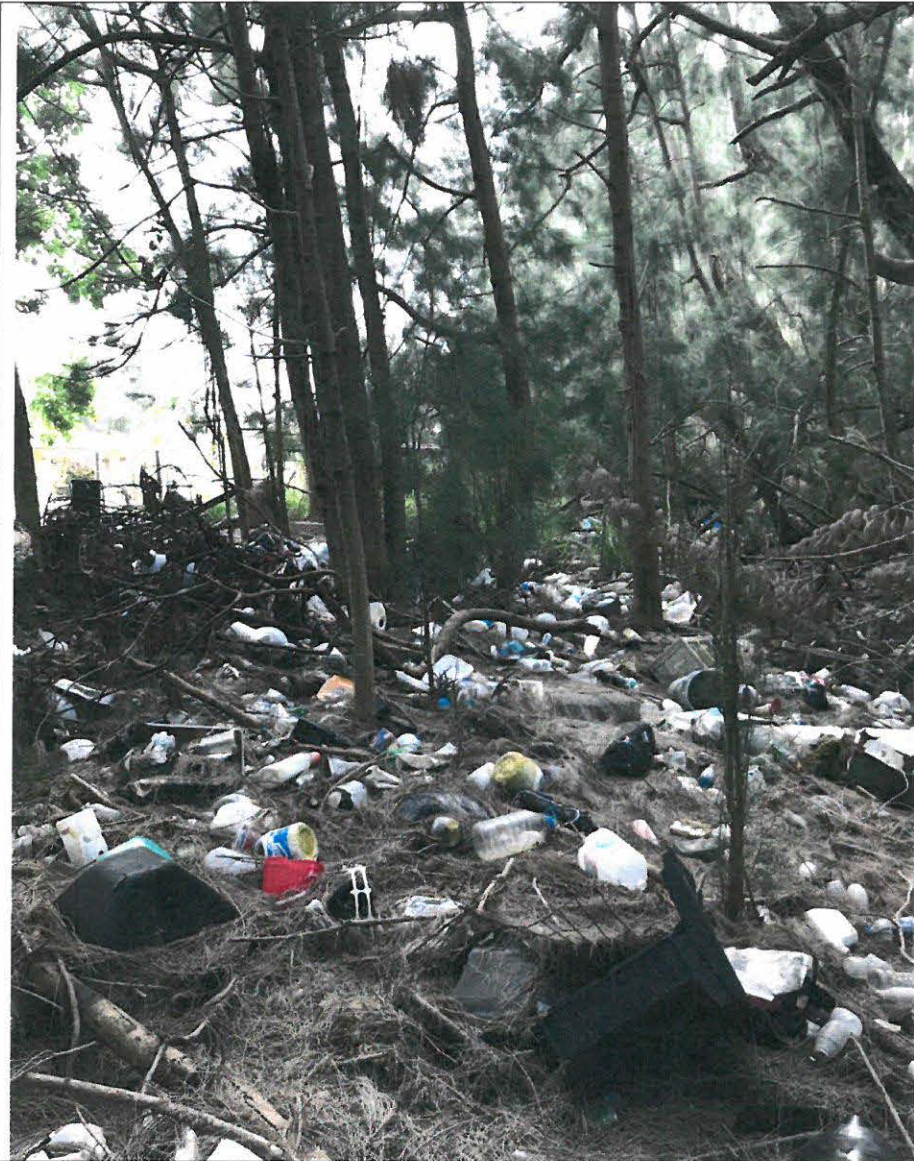
Photo 9

Garbage behind Structure D(Duplex 2)

Exhibit 2, Photo 9

Dallas and Jane Yates, and Yates Group LLC.

Multi-Family Residences – 8835 64th Avenue, Sebastian Florida



2/7/18 1:34pm

Photo 10

Garbage and Junk behind Structures C and D. Unable to capture or determine the exact range that this waste covers.

exhibit 2, photo 10

OBITUARIES

FUNERAL HOMES

SEND FLOWERS

NEWS & ADVICE

MEMORIALS

RESOURCES

More Obituaries for Jane Yates

Looking for an obituary for a different person with this name?

Jane D. Yates

Obituary Condolences

Jane D. Yates VERO BEACH - Jane D. Yates, 77, a retired teacher, died Thursday, Aug. 28, 2003. She is survived by her husband, Dallas T. Yates. The service will be at 11 a.m. EDT Saturday at St. Peters Missionary Baptist Church in Gifford, with burial at Hillcrest Memorial Garden. Family will receive friends from 6 to 8 p.m. EDT today at Stone Brothers Funeral Home in Gifford (772-461-1800). Other survivors include two sons, Raymond L. Bryant Sr. of Tallahassee and Jeffrey Yates of West Palm Beach; two daughters, Phyllis B. Gilley of Tallahassee and the Rev. Dallasteen Yates of Fort Lauderdale; a sister, Anne Borders of Titusville; a brother, Charles Davis of Baltimore, Md.; five grandchildren; and six great-grandchildren.

Published in Tallahassee Democrat on Sept. 5, 2003



Sponsored By Florida Power & Putting Technology To V In the last seven years, reliabili increased by more than 30% fo customers.



REMEMBER

Share memories or express condolences below.

THE GUEST BOOK IS EXPIRED

"To the Yates Family, I say "be encouraged" for the Bible tells us that we should not be ignorant, that our loved one's that have passed on to be with the Lord are only sleeping and we will see them again. I..."

-Reginald Watkins

1 ENTRY

Please restore the Guest Book to share in the life story for JANE D. YATES

RESTORE THE GUEST BOOK

MORE INFORMATION

ancestry

Interested in the Yates name?

EXPLORE

exhibit 3 a



RESOURCES

FIND ADVICE & SUPPORT

OBITUARIES

FUNERAL HOMES

SEND FLOWERS

NEWS & ADVICE

MEMORIALS

SERVICES

Stone Brothers Funeral Chapel - Vero Beach

3950 Old Dixie Hwy
Vero Beach, FL 32960
(772) 562-3105

- Website
- View Map
- Send Flowers

For more information about

DALLAS YATES

View Funeral Home Obituary

RESOURCES

- More Obituaries for Dallas Yates
- Looking for an obituary for a different person with this name?

Dallas T. Yates

~ Obituary ~ Condolences

Dallas T. Yates

Sept. 22, 1919 - Dec. 30, 2015

Dallas T. Yates, 96, of Vero Beach, FL passed on Wednesday December 30, 2015 in Vero Beach, FL.

He was born on September 22, 1919 in Washington County, FL and has been a resident of Indian River County for over sixty years.

Dallas was an entrepreneur, real estate and other businesses.

He was a member of New Bethel A.M. E. Church, Vero Beach, FL.

Dallas and Jane together they raised and nurtured in the fear and love of the Lord their children: Phyllis Rose Bryant Gilley (Willie) of Tallahassee, FL; Raymond Lawrence Bryant, Sr. (Bonnie) of Tallahassee, FL, Dallasteen Joy Yates of Vero Beach, FL, and Jeffrey Arles Yates of Clearwater, FL; sister, Thynorl Yates of Caryville, FL; 5 grandchildren, and 12 great-grandchildren. Fond memories remain with a very special nephew, United States Congressman Al Green, Houston, TX, who credits his Uncle Dallas with setting him "on the course that [he] is currently pursuing." He further leaves to cherish his memory, a host of other nieces, nephews, cousins, other relatives and friends.

In 2003, Dallas was preceded in death by his loving and devoted wife of 47 years, Jane Eva Davis Yates, Harold Dwight Yates, 5 brothers and 3 sisters.

Visitation was held 5 to 7PM Friday, January 8, 2016 at Stone Brothers Funeral Chapel, Vero Beach. A funeral service will be held 11AM Saturday, January 9, 2016 at Saint Peters Missionary Baptist Church, 4250 38th Avenue. Officiant, Pastor will follow at Hillcrest Memorial Gardens.



MORE INFORMATION



Interested in the Yates name?

1,500+ views



Published in Tallahassee Democrat on Jan. 9, 2016

Exhibit 3B



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Detail By Document Number](#) /

Detail by Officer/Registered Agent Name

Florida Limited Liability Company
THE YATES GROUP, L.L.C.

Filing Information

Document Number L09000067491
FEI/EIN Number 80-0871341
Date Filed 07/14/2009
State FL
Status ACTIVE
Last Event REINSTATEMENT
Event Date Filed 10/23/2013

Principal Address

3810 45TH STREET
VERO BEACH, FL 32967

Mailing Address

3810 45TH STREET
VERO BEACH, FL 32967

Changed: 04/30/2012

Registered Agent Name & Address

YATES, DALLASTEEN J
3810 45TH STREET
VERO BEACH, FL 32967

Authorized Person(s) Detail

Name & Address

Title MGRM

YATES, DALLASTEEN J
3810 45TH STREET
VERO BEACH, FL 32967

Annual Reports

| Report Year | Filed Date |
|-------------|------------|
| 2015 | 04/30/2015 |
| 2016 | 04/29/2016 |
| 2017 | 04/20/2017 |

exhibit 4

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

FLORIDA DEPARTMENT OF HEALTH IN INDIAN RIVER COUNTY

February 8, 2018

Dallas and Jane Yates
3810 45th Street,
Vero Beach, FL 32967

And

Dallastine Yates
3810 45th Street,
Vero Beach, FL 32967

Certified Mail # 7017 0660 0000 4833 4056

Dear Mr. Yates,

This letter constitutes Formal Notice to Correct Violation of Chapter 85-427, Special Acts, Laws of Florida, the Indian River County Environmental Control Act, Indian River County Environmental Control Rule 1, Indian River County Ordinance No. 91-22, and the following laws and rules which are adopted by reference in the said Act, Rule, and Ordinance. This notice is given pursuant to the authority of the Indian River County Environmental Control Act, Chapter 85-427, Laws of Florida.

BACKGROUND: The listed owners of this property (Dallas and Jane Yates) are deceased. Dallastine Yates is currently collecting rent from the tenants of this property. There are 4 structures on the subject property under the single legal address 8835 64th Avenue, Sebastian Florida 32967(Parcel ID: 3139290000050000047.0). The southernmost structure is a church, **Structure A**. Adjacent to the north of Structure A is a single-family residence, **Structure B**. Adjacent to the north of Structure B is a duplex, **Structure C**. Adjacent to the north of Structure C is a second Duplex, **Structure D**.

The following violations exist on the property you own located at the subject property, observed by representatives of this department on February 7, 2018:

VIOLATION 1: There are structures on the subject property that are being serviced by septic tank systems that have been altered, modified, and damaged which is a violation of Section 64E-6.003 Florida Administrative Code (F.A.C.), which states, "No portion of an onsite sewage treatment and disposal system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit has been issued on Form DH 4016". There are septic tanks that are not watertight, that have partial lids, no lids, and structural damage that allows sewage to be discharged onto the open ground. **These sanitary nuisances are a violation of Sections 386.041(1)(a),(b), and (e) of Florida Statutes (F.S.), and been observed at each of the following structures in the following ways;**

**Florida Department of Health
in Indian River County**
1900 27th Street, Vero Beach, FL 32960
PHONE: 772/794-7400
WEBSITE: <http://indianriver.floridahealth.gov>
FloridaHealth.gov



exhibit 5

Structure A: This structure's septic tank has been severely damaged beyond repair, and does not have a lid.

Structure B: There are two tanks servicing this structure that are not watertight due to holes in the lids. This is allowing for sewage to be spilt onto the open ground.

Structure C: This structure's septic tank has been damaged beyond repair. The tank is not watertight due to large cracked in the lid.

Structure D: This structure's septic tank has a damaged lid that is not watertight, and the drainfield for this system's drainfield has failed, causing sewage to be discharged onto the open ground.

CORRECTIVE ACTION: Immediately have all the above structure's septic tanks pumped in order to prevent the immediate spilling of sewage onto the open ground. The septic tank and drainfield for the above structures must be evaluated by a State Certified Septic Contractor to certify that the systems meet the standards set in Chapter 64E-6 F.A.C. If system does not meet standards due to failure, damage, or alteration of originally permitted system, a permit application for repair must be submitted to the Environmental Health Office at the Florida Department of Health in Indian River County within **7 days of receipt of this notice**. Should the system not be sized appropriately, it must be repaired or replaced as necessary to meet Chapter 64E-6 F.A.C. standards. Permit and inspection from the Department of Health is required.

Violation 2: There are several pipes that are discharging untreated human sewage directly onto the open ground and into a ditch in the rear of your property. **This discharge of wastewater constitutes sanitary nuisances that are a violation of Sections 386.041(1)(a), and (e) of F.S., and have been observed at each of the following properties in the following ways;**

Structure A: This structure has several discharge pipes that are not connected to any sewage treatment system, and are discharging sewage onto the open ground.

Structure B: This structure has several discharge pipes that are not connected to any sewage treatment system, and are discharging sewage onto the open ground.

Structure C: This structure has a single discharge pipe that passes the septic tank and discharges directly into a ditch in the rear of the property.

CORRECTIVE ACTION: Connect discharge pipes to a septic system that meets Chapter 64E-6 F.A.C. standards, or connect to internal plumbing, which is to be connected to a septic system **within 14 days of receipt of this notice**. Use sufficient amounts of Hydrated Lime, (calcium Hydroxide) to stabilize all exposed sewage spoils impacted areas upon the subject property.

Violation 3: There is a washing machine connected to **Structure D** that discharges wastewater directly onto the open ground. **This discharge of wastewater constitutes sanitary nuisances that are a violation of Sections 386.041(1)(a), and (e) of F.S.**

CORRECTIVE ACTION: Connect washing machine discharge to a septic system that meets Chapter 64E-6 F.A.C. standards, or remove the washing machine from the property within **14 days of receipt of this notice**.

VIOLATION 4: Solid waste piles and unmaintained overgrown vegetation throughout your property that have created conditions for rodent and roach harborage. These unsanitary conditions can introduce and perpetuate human disease organisms or vectors into the community. Additionally, the residential structures are unsecure, dilapidated, and structurally insufficient to prevent the propagation of vermin, and to prohibit entrance of vermin into the living space of the home. This harborage constitutes a sanitary nuisance conditions, **violating Sections 386.041(1)(e) and (f) of F.S.**

CORRECTIVE ACTION: Within 2 days of receipt of this letter, contract with a licensed pest control operator to inspect and control for the vermin on the property, which must include the residential structure. Within 10 business days of vermin control implementation, begin removal of all junk, trash and debris. Properly dispose of all waste, and provide a receipt of disposal as evidence of compliance. **Within 30 days of receipt of this letter**, all cleanup actions shall be completed and this department shall conduct a reinvestigation of the property.

VIOLATION 5: Solid waste piles and unmaintained overgrown vegetation throughout your property that have created conditions for rodent and roach harborage. These unsanitary conditions can introduce and perpetuate human disease organisms or vectors into the community. The creation of a sanitary nuisance injurious to Public Health. Specifically, the creation, maintenance, or causing of any condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases, directly or indirectly to humans. There are large areas that are coated with tall piles of bottles, buckets, boats, furniture and other debris that are breeding disease carrying mosquitoes, **which constitutes a violation of Sections 386.041(1)(e), and (f) F.S.**

CORRECTIVE ACTION: Within 2 days of receipt of this letter, you shall take all measures necessary to remove and abate all mosquito breeding areas upon the subject property. Within 10 business days of vermin control implementation, begin removal of all junk, trash and debris. Properly dispose of all waste, and provide a receipt of disposal as evidence of compliance. **Within 30 days of receipt of this letter**, all cleanup actions shall be completed and this department shall conduct a reinvestigation of the property

VIOLATION 6: There are large areas of this property that are coated with tall piles of bottles, buckets, boats, furniture, food garbage. This garbage is harmful to human and animal life, and causes the release of air pollutants, gases, and noisome odors which are harmful to human and animal life. **These solid waste piles violate Sections 386.041(1)(a), and (e), and (f) of F.S.**

CORRECTIVE ACTION: Within 10 business days of vermin control implementation, begin removal of all junk, trash and debris. Properly dispose of all waste, and provide a receipt of disposal as evidence of compliance. **Within 30 days of receipt of this letter**, all cleanup actions shall be completed and this department shall conduct a reinvestigation of the property

Please be advised that other agencies with authority to conduct criminal and civil enforcement for violations of Sections 381.0065 and 386.041 F.S. and Indian River County Ordinances may upon notice, discovery or a request for assistance, take independent criminal and civil actions in accordance with these Ordinances, Rules or other State Laws.

If you are unable to comply with any of the requirements of this letter, it is imperative that you immediately call Ian Moore of this office. No adjustment of the above requirements or extensions of the deadlines in this letter shall be valid unless made in writing. Any extensions or adjustments must be sought and obtained prior to the expiration of the stated deadlines.

All receipts of work performed on the property in response to this notice shall be retained as evidence of attempting to achieve compliance and be provided to any party to case upon request.

Additionally, unannounced coordinated reinvestigations of the property shall be performed at any time by this office, the Indian River County Code Enforcement, Indian River Mosquito Control District, and Indian River County Building Department, as well as any other legally interested party to this investigation.

Yates
Page 4

Failure to correct the above violations within the specified time may result in a summons to appear before the Indian River County Environmental Control Hearing Board or Circuit Court and could subject you to a fine of up to Five Hundred Dollars (\$500) per day per violation. In addition, you are subject to fines of up to Five Hundred Dollars (\$500) per day for each day you create a Public Health Threat, or conduct an Activity which Results in Environmental Damage, or conduct an Activity Without or in Violation of a Required Permit. Accordingly, a Notice of Non-Compliance will be filed with the Indian River County Environmental Control Hearing Board seeking Civil Penalties in this matter.

Respectfully,



Ian Moore
Environmental Specialist II
Ian.Moore@FLHealth.gov
772-794-7440



Florida Department of Health
1900 27th Street
Vero Beach, FL 32960-3383

CERTIFIED MAIL



7017 0660 0000 4833 4056



U.S. POSTAGE >>> PITNEY BOWES



ZIP 32960 \$ 006.67⁰
02 1W
0001403825 FEB 12 2018

NOV

LIN
2-14-18

124

Dallas and Jane Yates
Dallastine Yates
3810 45th St.
Vero Beach, FL 32967

NIXIE 339 DE 1 0003/11/18

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC BC: 32960338300 *1574-07611-12-45

32960338300

RECEIVED
MAR 15 2018
UC

Exhibit 6

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

7017 0660 0000 4833 4056

Certified Mail Fee \$

Extra Services & Fees (check box, and fee as appropriate)

Return Receipt (hardcopy)

Return Receipt (electronic)

Certified Mail Restricted Delivery

Adult Signature Required

Adult Signature Restricted Delivery \$

Postage \$

Total \$

Sent Dallas and Jane Yates

Street Dallastine Yates

City 3810 45th St.
Vero Beach, FL 32967

Postmark: FEB 12 2018
VERO BEACH DOWNTOWN STATION
USPS - 32960

Instructions



**Florida Department of Health
in Indian River County
COMPLAINT INVESTIGATION RECORD**

EHD Complaint #: 31-99-260380
Date: 2/2/2018 **Time:** 3:00 pm
Taken by: Julianne Price
Report Method: Other
Assigned to: MooreIP
Complaint Log #: 18-013
Property ID: 31392900000500000047.0

LOCATION OF REPORTED PROBLEM:

Facility Permit #: _____

Jane Yates

NAME OF BUSINESS OR PERSON AT COMPLAINT LOCATION

8835 64th Avenue Sebastian FL 32958
STREET # OR LOCATION DESCRIPTION City State ZIP

Directions: (Gate info, etc.)

COMPLAINANT: Name: Florida Department of Health in Indian River County-EH (P) Phone: (772) 794-7445 ext: _____

Address: 1900 27th Street Vero Beach FL 32960
Street City State ZIP Email Address

OWNER/AGENT INFORMATION: Name: Dallas, Jane

Address: 8835 64th Avenue Vero Beach FL 32967 Phone: (954) 529-1221 ext: _____
Street City State ZIP

OCCUPANT: Name: Lakisha Anderson Phone: _____ ext: _____

COMPLAINT DESCRIPTION:

Sewage backing up into home and sewage on the ground.

PROGRAM : 61 Onsite Sewage Treatment & Disposal

COMPLAINT ISSUE: Sewage

*Spoke to Dallastine 2-15, 2-23
3-2 and 4-41. on 2-15
she admitted to getting notice
under the door and read
along with Kate Cotner & Cheryl Damm*

| FINDINGS & ACTIONS TAKEN | | | By |
|--------------------------|--------|--|---------|
| Date | Action | (Key to Actions: R=Research; I=Investigation; P=Photographs; C=Correspondence; S=Samples; E=Enforcement; F=Referral; N=Notification) | |
| 2/5/2018 | I | Arrived at site. There are 4 structures on the Property. The southernmost structure is a church that has a broken septic tank with a lid that is ajar, and a tree that is growing out of it. There are several discharge pipes not connected to any septic tank. The next structure north is a house that has 2 septic tanks with a hole in the lid. There is a well 21 feet from these tanks. There is a discharge pipe not connected to any septic as well. The next structure north is a duplex with a broken septic tank, and a discharge pipe that travels into a thick bush area and seems to discharge sewage into the swale in the rear of the property. There is an old pool that could breed mosquitos. The thick overgrown area is filled with garbage. I am unable to climb through it to see where the pipe leads. The next structure north is a duplex with a broken septic tank, and a washing machine in the back yard not connected to any septic system. The area behind both the duplexes has an incredibly large area of garbage. It is almost like a landfill, or river of garbage. There are 4 boats, furniture, food garbage, glass, plastic, paper, old coolers, tires, and untold other items of garbage. This area appears to be at least a 140ft by 50ft pile area of garbage. The owners of this property are dead, and the landlord is the sister of the former owner, but everything is still under the deceased person's name. We will have to find the responsible party and send it to that individual. I was given a phone number for Dallastine, but she did not pick up. | MooreIP |
| 2/6/2018 | I | Visited site with county code enforcement, and made a map of the area in order to help me write the NOV. | MooreIP |
| 2/7/2018 | I | Visited site with the building department. | MooreIP |
| 2/8/2018 | E | Sent NOV to Mailing address listed in property appraisers, and prepared to deliver a notice in person to Dallastine Yates. | MooreIP |
| 2/9/2018 | C | Was informed that the landlord does not work in town any more, and possibly moved to a different county. Informant stated that she collects rent by ordering the tenants to place envelopes of rent money underneath a door somewhere in Gifford. | MooreIP |
| 2/9/2018 | C | We were able to find the church where she works now, and will send a notice there. | MooreIP |
| 2/12/2018 | I | Arrived at the site with mosquito control, and spoke to a tenant. This tenant had been | MooreIP |

Verbal Extension to 4-26-2018 which is 30 day rather than 4-20-2018

exhibit 7



**Florida Department of Health
in Indian River County
COMPLAINT INVESTIGATION RECORD**

EHD Complaint #: 31-99-260380
Date: 2/2/2018 **Time:** 3:00 pm
Taken by: Julianne Price
Report Method: Other
Assigned to: MooreIP
Complaint Log #: 18-013
Property ID: 31392900000500000047.0

LOCATION OF REPORTED PROBLEM: Facility Permit #: _____

Jane Yates
NAME OF BUSINESS OR PERSON AT COMPLAINT LOCATION
8835 64th Avenue Sebastian FL 32958
STREET # OR LOCATION DESCRIPTION City State ZIP

Directions: (Gate info, etc.)

COMPLAINANT: Name: Florida Department of Health in Indian River County-EH (P) Phone: (772) 794-7445 ext: _____
 Address: 1900 27th Street Vero Beach FL 32960
Street City State ZIP Email Address

OWNER/AGENT INFORMATION: Name: Dallas, Jane
 Address: 8835 64th Avenue Vero Beach FL 32967 Phone: (954) 529-1221 ext: _____
Street City State ZIP

OCCUPANT: Name: Lakisha Anderson Phone: _____ ext: _____

COMPLAINT DESCRIPTION:
Sewage backing up into home and sewage on the ground.

PROGRAM : 61 Onsite Sewage Treatment & Disposal

COMPLAINT ISSUE: Sewage

| FINDINGS & ACTIONS TAKEN | | | |
|--------------------------|--------|---|---------|
| Date | Action | (Key to Actions: R=Research; I=Investigation; P=Photographs; C=Correspondence; S=Samples; E=Enforcement; F=Referral; N=Notification) | By |
| | | given an eviction notice which lists 3810 45th street as Dallastine Yates mailing address. It also states that Dallastine is the landlord of the property. I asked the tenant if this is where he puts the rent under the door, and he said yes. I will place an NOV and a business card under this same door. | |
| 2/13/2018 | C | I called 3 phone numbers and left messages 954-529-1221 772-567-3986 both of these numbers were on an eviction notice with her signature 561-924-7582-a church she works at in Pahokee Florida. | MooreIP |
| 2/15/2018 | C | Spoke to Dallastine Yates today. I informed her of the situation, and she asked several questions to clarify my statements, and I clarified. I told her to be on the lookout for the several letters I sent, and she said she would do her best to work towards the solution. She said she would call me when she receives the letter, and chooses a contractor to do the work. | MooreIP |
| 2/23/2018 | I | No change on site. | MooreIP |
| 3/2/2018 | I | Slight changes in plumbing, but the changes still discharge sewage onto the open ground. | MooreIP |
| 3/12/2018 | I | No changes on site. | MooreIP |
| 3/16/2018 | I | No changes on the site. Tenant requested a copy of the NOV, and I said I would email it to him if he emailed me. He agreed to do so. | MooreIP |
| 3/19/2018 | I | No Changes on the site. Emailed the tenant the NOV. | MooreIP |
| 3/21/2018 | I | Cheryl Dunn and I visited the site. Cheryl and I took pictures, but no observable changes other than the slight disturbance of a tank lid for Structure C (Duplex 1). | MooreIP |
| 4/11/2018 | C | Cheryl Dunn, Kate Cortner, Thomas Allred of Indian River County code enforcement, and myself called Dallasteen Yates today in the morning. Kate stated that if she picked up a notice today and a summary of the conversation in a letter form today, we wouldn't file the injunction yet. She agreed to come in, but said it would have to be within the hour because she was leaving soon. We agreed to write up everything right away and began the conversation. We explained to her, once again, all of the violations on the property. It | MooreIP |



**Florida Department of Health
in Indian River County
COMPLAINT INVESTIGATION RECORD**

EHD Complaint #: 31-99-260380
Date: 2/2/2018 **Time:** 3:00 pm
Taken by: Julianne Price
Report Method: Other
Assigned to: MooreIP
Complaint Log #: 18-013
Property ID: 31392900000500000047.0

LOCATION OF REPORTED PROBLEM: Jane Yates **Facility Permit #:** _____

NAME OF BUSINESS OR PERSON AT COMPLAINT LOCATION
8835 64th Avenue Sebastian FL 32958
STREET # OR LOCATION DESCRIPTION City State ZIP

Directions: (Gate info, etc.)

COMPLAINANT: Name: Florida Department of Health in Indian River County-EH (P) Phone: (772) 794-7445 ext: _____
 Address: 1900 27th Street Vero Beach FL 32960
Street City State ZIP Email Address

OWNER/AGENT INFORMATION: Name: Dallas, Jane
 Address: 8835 64th Avenue Vero Beach FL 32967 Phone: (954) 529-1221 ext: _____
Street City State ZIP

OCCUPANT: Name: Lakisha Anderson Phone: _____ ext: _____

COMPLAINT DESCRIPTION:
Sewage backing up into home and sewage on the ground.

PROGRAM : 61 Onsite Sewage Treatment & Disposal
COMPLAINT ISSUE: Sewage

| FINDINGS & ACTIONS TAKEN | | | By |
|--------------------------|--------|--|---------|
| Date | Action | (Key to Actions: R=Research; I=Investigation; P=Photographs; C=Correspondence; S=Samples; E=Enforcement; F=Referral; N=Notification) | |
| | | took a great deal of time to do this, despite the previous explanatory conversations Cheryl and Kate had with Dallasteen. She claimed that she thought the code enforcement board solutions would suffice for our requirements, and Thomas reminded her about the conversation they previously had, and that he instructed her to get in contact with the Department of Health. She agreed that he did remind her to that. We gave her a time frame that she agreed to, and she said she would pick up the documentation before 5, because she had to cancel her previously plans to deal with this. | |
| 4/11/2018 | C | Dallasteen called Kate Cortner, who then conferenced me in, to ask if she could pick up the notice and letter tomorrow. I said the Cheryl really wanted it done today, and I would gladly meet her anywhere in the county to hand it to her in person. She said that she got her answer and would be in shortly, but might be there right at five. I warned her the doors automatically lock at five, I gave her my cell phone number, and asked her to call if she got locked out and i would meet her outside. I said I would be in this office waiting for her to arrive even if it's a bit after 5, and that I could still meet her anywhere in the county to deliver the letter. She said that wouldn't be necessary because she would be her to pick it up in time. I thanked her and we concluded the call. | MooreIP |
| 4/11/2018 | E | Notice of Violation and the summary of the conversation letter were hand delivered today at 4:40pm. I asked her if she had any questions about them, and she said no. i gave her my card and asked her to contact me with any questions and she agreed. | MooreIP |

First Date Investigated: 02/05/2018 Date Completed: _____ Legal Notice: Yes Complainant Notified: _____
 Status: New / Pending / Abated / Invalid / Referred (Agency: _____) / Other Completed
 Signature of Investigator _____ Date _____ Reviewer's Initials _____ Photos Taken: _____

IN THE COUNTY COURT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA

CASE NO. 312018CC0000453

The Yates Group, LLC
Plaintiff,

JUDGE JOE WILD

vs.

Christopher Thomas
Defendant.

COMPLAINT FOR EVICTION - HOLDOVER TENANT

Plaintiff, **The Yates Group, LLC**, sues Defendant, **Christopher Thomas** and alleges:

1. This is an action to evict a tenant from real property in Indian River County, Florida.
2. Plaintiff owns the following described real property in said County: 8885 64th Ave., Apt. B, Wabasso, Florida, 32970.
3. Defendant has possession of the property under an oral agreement to pay rent of \$450.00, (Four Hundred Fifty Dollars and Zero cents), payable monthly.
4. Defendant failed to pay the rent due February 1, 2018.
5. Plaintiff served written notice on the Defendant on February 10, 2018, that Defendant's tenancy was terminated and that the Defendant was to vacate the above described property and deliver possession of said premises to the Plaintiff on or before March 1, 2018.
6. That Defendant holds over and continues in possession of said premises after the expiration of the notice without permission of Plaintiff. A true copy of the Notice to Vacate is attached hereto.

WHEREFORE, Plaintiff demands judgment for possession of the property against the Defendant, and removal of the Defendant.

Dallasteen J. Yates

The Yates Group, LLC / Dallasteen J. Yates (Landlord/Agent)
3810 45th Street
Vero Beach, Florida 32967
(772) 567-3986 (Office Tel.); (954) 529-1221 (Mobile Tel.)

SWORN to and subscribed before me on the _____ day of _____, 2018.

by _____ who is personally known to me or has produced as
identification _____

By: _____ or _____
Deputy Clerk Notary Public

Notary Name Typed, Printed or Stamped _____

Commission expires: _____
FILED ON RECORD
PROBATION DEPARTMENT
INDIAN RIVER COUNTY COURT

Exhibit 8

NOTICE TO VACATE
Florida Statutes 83.57(3)

INDIAN RIVER COUNTY, STATE OF FLORIDA

Date: February 10, 2018

To: Christopher Thomas

8885 64th Ave., Apt. B

Wabasso, Florida 32970

AND ANY UNKNOWN OCCUPANT(S)

You are hereby notified that your tenancy and use of the premises described as: 8885 64th Ave., Apt. B, Wabasso, Indian River County, Florida, 32970, now occupied by you, will end **March 1, 2018** and you must vacate the premises by **March 1, 2018**, pursuant to Section 83.57(3) Florida Statutes.

Pursuant to Florida Statutes Section 83.58, if you fail to return your keys, vacate the subject premises, or remove all of your possessions by **March 1, 2018**, the landlord is entitled to sue you for double rent, possession, costs and attorney's fees. Be advised that you are also liable for any damage that you commit to the subject premises.

Dated this 10th day of February, 2018


Signature (Landlord/Agent)
3810 45th Street
Vero Beach, FL 32967
Tel: (954) 529-1221; (772) 567-3986


Dallasteen J. Yates
(Typed/Printed Name)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above notice was:

- delivered to tenant by hand
- posted on the premises described above in the tenant's absence
- furnished to the tenant by U.S. Mail

On February 10, 2018.

By: Signature: 

Dallasteen J. Yates
(Printed Name)

4. I have my own business and, did some work for her in another tenants apartment which she never paid me she just took \$100 off my rent and she owed me \$350 at least.

5. My sink doesn't work, toilet doesn't work, bath tub is full of sewage, windows broken, and she has (27) violations from Indian River County.

6. Reason why I didn't pay rent for Feb 2018 is because, I used money for motel so me and my family could take baths.

7. When it's time to pay rent it's a house in Gifford she wants you to slide cash under door, I been living here years I only saw her twice.

* I also have pictures of everything I named above of bathroom toilet and bathtub.

* My living room is flooded as we speak from bathroom the water damage destroyed all my rugs and furniture. I even bought 10 mops and paid individuals to help get water out so, I also have several witnesses,

3/19/18

I will be hand delivering to Plaintiff. C.T.

Christopher J. Thomas
Christopher J Thomas
3/19/18

IN THE COUNTY COURT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA

CASE NO 312018CC000453

Christopher Thomas
DEFENDANT.

VS.

THE YATES GROUP, LLC
PLAINTIFF

This is my written response to eviction notice and reasons why I'm challenging eviction.

1. I've been living at 8885 64th Ave since Oct 2016. And, never have I missed a month of rent until the county code enforcement, sewer control, and mosquito control put 27 violations on Mrs. Dallastine Yates. Everyone even the county workers tried calling, leaving messages with no response. I've also text and called about violations with no response since January of 2018.

2. My toilet is backed up and coming up in my bathtub. It's unliveable I've been living in motels since this started. I have receipts and pictures.

3. She doesn't fix anything it's windows that was broken by her lawn guys and she never fixed over a year ago.

FILED
MAR 19 10 28 AM
CLERK OF CIRCUIT COURT
INDIAN RIVER COUNTY, FL
CHRISTOPHER THOMAS
VS
THE YATES GROUP, LLC

IN THE COUNTY COURT, IN AND FOR
INDIAN RIVER COUNTY, FLORIDA

CASE NO. 312018CC000454

The Yates Group, LLC
Plaintiff,

JUDGE DAVID MORGAN

vs.

James Thomas, Jr.
Defendant.

COMPLAINT FOR EVICTION - HOLDOVER TENANT

Plaintiff, **The Yates Group, LLC**, sues Defendant, **James Thomas, Jr.** and alleges:

1. This is an action to evict a tenant from real property in Indian River County, Florida.
2. Plaintiff owns the following described real property in said County: 8885 64th Ave., Apt. A, Wabasso, Florida, 32970.
3. Defendant has possession of the property under an oral agreement to pay rent of \$450.00, (Four Hundred Fifty Dollars and Zero cents), payable monthly.
4. Defendant failed to pay the rent due February 1, 2018.
5. Plaintiff served written notice on the Defendant on February 10, 2018, that Defendant's tenancy was terminated and that the Defendant was to vacate the above described property and deliver possession of said premises to the Plaintiff on or before March 1, 2018.
6. That Defendant holds over and continues in possession of said premises after the expiration of the notice without permission of Plaintiff. A true copy of the Notice to Vacate is attached hereto.

WHEREFORE, Plaintiff demands judgment for possession of the property against the Defendant, and removal of the Defendant.

Dallasteen Yates

 The Yates Group, LLC / Dallasteen J. Yates (Landlord/Agent)
 3810 45th Street
 Vero Beach, Florida 32967
 (772) 567-3986 (Office Tel.); (954) 529-1221 (Mobile Tel.)

SWORN to and subscribed before me on the _____ day of _____, 2018.

by _____ who is personally known to me or has produced as identification _____

By: _____ or _____

Deputy Clerk

Notary Public

Notary Name Typed, Printed or Stamped _____

Commission expires: _____

CLERK OF COUNTY COURT
 INDIAN RIVER COUNTY
 DAVID MORGAN
 2018 MAR -9 PM 12:52

exhibit 9

NOTICE TO VACATE
Florida Statutes 83.57(3)

INDIAN RIVER COUNTY, STATE OF FLORIDA

Date: February 10, 2018

To: James Thomas, Jr.

8885 64th Ave., Apt. A

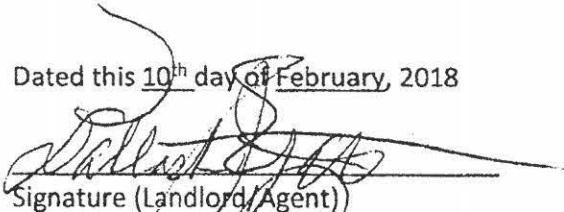
Wabasso, Florida 32970

AND ANY UNKNOWN OCCUPANT(S)

You are hereby notified that your tenancy and use of the premises described as: 8885 64th Ave., Apt. A, Wabasso, Indian River County, Florida, 32970, now occupied by you, will end **March 1, 2018** and you must vacate the premises by **March 1, 2018**, pursuant to Section 83.57(3) Florida Statutes.

Pursuant to Florida Statutes Section 83.58, if you fail to return your keys, vacate the subject premises, or remove all of your possessions by **March 1, 2018**, the landlord is entitled to sue you for double rent, possession, costs and attorney's fees. Be advised that you are also liable for any damage that you commit to the subject premises.

Dated this 10th day of February, 2018


Signature (Landlord/Agent)

3810 45th Street

Vero Beach, FL 32967

Tel: (954) 529-1221; (772) 567-3986

Dallasteen J. Yates
(Typed/Printed Name)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above notice was:

- delivered to tenant by hand
- posted on the premises described above in the tenant's absence
- furnished to the tenant by U.S. Mail

On February 10, 2018.

By: Signature:



Dallasteen J. Yates
(Printed Name)

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

Celeste Philip, MD, MPH
Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

FLORIDA DEPARTMENT OF HEALTH IN INDIAN RIVER COUNTY

April 11th, 2018

Dallas and Jane Yates
3810 45th Street,
Vero Beach, FL 32967

And

The Yates Group L.L.C.
Attention: Registered Agent Dallasteen J. Yates
3810 45th Street,
Vero Beach, FL 32967


Dear Mr. and Mrs. Yates, and The Yates Group L.L.C.,

This letter constitutes an Amended Formal Notice to Correct Violation of Chapter 85-427, Special Acts, Laws of Florida, the Indian River County Environmental Control Act, Indian River County Environmental Control Rule 1, Indian River County Ordinance No. 91-22, and the following laws and rules which are adopted by reference in the said Act, Rule, and Ordinance. This notice is given pursuant to the authority of the Indian River County Environmental Control Act, Chapter 85-427, Laws of Florida.

BACKGROUND: The listed owners of this property (Dallas and Jane Yates) are deceased. Dallasteen Yates is currently collecting rent from the tenants of this property. There are 4 structures on the subject property under the single legal address 8835 64th Avenue, Sebastian Florida 32967(Parcel ID: 3139290000050000047.0). The southernmost structure is a church, **Structure A**. Adjacent to the north of Structure A is a single-family residence, **Structure B**. Adjacent to the north of Structure B is a duplex, **Structure C**. Adjacent to the north of Structure C is a second Duplex, **Structure D**.

The following violations exist on the property you own located at the subject property, observed by representatives of this department on February 7, 2018:

VIOLATION 1: There are structures on the subject property that are being serviced by septic tank systems that have been altered, modified, and damaged which is a violation of Section 64E-6.003 Florida Administrative Code (F.A.C.), which states, "No portion of an onsite sewage treatment and disposal system shall be installed, repaired, altered, modified, abandoned or replaced until a construction permit has been issued on Form DH 4016". There are septic tanks that are not watertight, that have partial lids, no lids, and structural damage that allows sewage to be discharged onto the open ground. **These sanitary nuisances are a violation of Sections 386.041(1)(a),(b), and (e) of Florida Statutes (F.S.), and been observed at each of the following structures in the following ways;**

| 
exhibit 10

Structure A: This structure's septic tank has been severely damaged beyond repair, and does not have a lid.

Structure B: There are two tanks servicing this structure that are not watertight due to holes in the lids. This is allowing for sewage to be spilt onto the open ground.

Structure C: This structure's septic tank has been damaged beyond repair. The tank is not watertight due to large cracked in the lid.

Structure D: This structure's septic tank has a damaged lid that is not watertight, and the drainfield for this system's drainfield has failed, causing sewage to be discharged onto the open ground.

CORRECTIVE ACTION: Immediately have all the above structure's septic tanks pumped in order to prevent the immediate spilling of sewage onto the open ground. The septic tank and drainfield for the above structures must be evaluated by a State Certified Septic Contractor to certify that the systems meet the standards set in Chapter 64E-6 F.A.C. If system does not meet standards due to failure, damage, or alteration of originally permitted system, a permit application for repair must be submitted to the Environmental Health Office at the Florida Department of Health in Indian River County. Should the system not be sized appropriately, it must be repaired or replaced as necessary to meet Chapter 64E-6 F.A.C. standards. Permit and inspection from the Department of Health is required. **All the systems must be repaired and inspected by Ian Moore of this office on or before April 20th, 2018. If all systems cannot be repaired at this time, structures may be vacated, and septic tanks serving those structures may be abandoned by State Certified Septic Contractor with a permit from the Health Department. Vacated structures may be reoccupied upon the installation of a new septic system that is permitted by this office.**

Violation 2: There are several pipes that are discharging untreated human sewage directly onto the open ground and into a ditch in the rear of your property. **This discharge of wastewater constitutes sanitary nuisances that are a violation of Sections 386.041(1)(a), and (e) of F.S., and have been observed at each of the following properties in the following ways;**

Structure A: This structure has several discharge pipes that are not connected to any sewage treatment system, and are discharging sewage onto the open ground.

Structure B: This structure has several discharge pipes that are not connected to any sewage treatment system, and are discharging sewage onto the open ground.

Structure C: This structure has a single discharge pipe that passes the septic tank and discharges directly into a ditch in the rear of the property.

CORRECTIVE ACTION: Connect discharge pipes to a septic system that meets Chapter 64E-6 F.A.C. standards, or connect to internal plumbing, which is to be connected to a septic system and inspected by Ian Moore of this office on or before April 20th, 2018. Use sufficient amounts of Hydrated Lime, (calcium Hydroxide) to stabilize all exposed sewage spoils impacted areas upon the subject property.

Violation 3: There is a washing machine connected to **Structure D** that discharges wastewater directly onto the open ground. **This discharge of wastewater constitutes sanitary nuisances that are a violation of Sections 386.041(1)(a), and (e) of F.S.**

CORRECTIVE ACTION: Connect washing machine discharge to a septic system that meets Chapter 64E-6 F.A.C. standards, or remove the washing machine from the property, have the work inspected by Ian Moore of this office on or before April 20th, 2018.

VIOLATION 4: Solid waste piles and unmaintained overgrown vegetation throughout your property that have created conditions for rodent and roach harborage. These unsanitary conditions can introduce and perpetuate human disease organisms or vectors into the community. Additionally, the residential structures are unsecure, dilapidated, and structurally insufficient to prevent the propagation of vermin, and to prohibit entrance of vermin into the living space of the home. This harborage constitutes a sanitary nuisance conditions, **violating Sections 386.041(1)(e) and (f) of F.S.**

CORRECTIVE ACTION: Contract with a licensed pest control operator to inspect and control for the vermin on the property, which must include the residential structure. Within 10 business days of vermin control implementation, begin removal of all junk, trash and debris. Properly dispose of all waste, and provide a receipt of disposal as evidence of compliance. **On or before May 18th, 2018**, all cleanup actions shall be completed and Ian Moore of this department shall conduct a reinvestigation of the property.

VIOLATION 5: Solid waste piles and unmaintained overgrown vegetation throughout your property that have created conditions for rodent and roach harborage. These unsanitary conditions can introduce and perpetuate human disease organisms or vectors into the community. The creation of a sanitary nuisance injurious to Public Health. Specifically, the creation, maintenance, or causing of any condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases, directly or indirectly to humans. There are large areas that are coated with tall piles of bottles, buckets, boats, furniture and other debris that are breeding disease carrying mosquitoes, **which constitutes a violation of Sections 386.041(1)(e), and (f) F.S.**

CORRECTIVE ACTION: You shall take all measures necessary to remove and abate all mosquito breeding areas upon the subject property. Within 10 business days of vermin control implementation, begin removal of all junk, trash and debris. Properly dispose of all waste, and provide a receipt of disposal as evidence of compliance. **On or before May 18th, 2018**, all cleanup actions shall be completed and Ian Moore of this department shall conduct a reinvestigation of the property

VIOLATION 6: There are large areas of this property that are coated with tall piles of bottles, buckets, boats, furniture, food garbage. This garbage is harmful to human and animal life, and causes the release of air pollutants, gases, and noisome odors which are harmful to human and animal life. **These solid waste piles violate Sections 386.041(1)(a), and (e), and (f) of F.S.**

CORRECTIVE ACTION: Within 10 business days of vermin control implementation, begin removal of all junk, trash and debris. Properly dispose of all waste, and provide a receipt of disposal as evidence of compliance. **On or before April 20th, 2018**, all cleanup actions shall be completed and Ian Moore of this department shall conduct a reinvestigation of the property.

Please be advised that other agencies with authority to conduct criminal and civil enforcement for violations of Sections 381.0065 and 386.041 F.S. and Indian River County Ordinances may upon notice, discovery or a request for assistance, take independent criminal and civil actions in accordance with these Ordinances, Rules or other State Laws.

If you are unable to comply with any of the requirements of this letter, it is imperative that you immediately call Ian Moore of this office. No adjustment of the above requirements or extensions of the deadlines in this letter shall be valid unless made in writing. Any extensions or adjustments must be sought and obtained prior to the expiration of the stated deadlines.

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All receipts and contracts related to work scheduled or performed on the property in response to this notice shall be retained as evidence of attempting to achieve compliance and be provided to Ian Moore of this office.

Additionally, unannounced coordinated reinvestigations of the property shall be performed at any time by this office, the Indian River County Code Enforcement, Indian River Mosquito

Control District, and Indian River County Building Department, as well as any other legally interested party to this investigation.

Failure to correct the above violations within the specified time may result in a summons to appear before the Indian River County Environmental Control Hearing Board or Circuit Court and could subject you to a fine of up to Five Hundred Dollars (\$500) per day per violation. In addition, you are subject to fines of up to Five Hundred Dollars (\$500) per day for each day you create a Public Health Threat, or conduct an Activity which Results in Environmental Damage, or conduct an Activity Without or in Violation of a Required Permit. Accordingly, a Notice of Non-Compliance will be filed with the Indian River County Environmental Control Hearing Board seeking Civil Penalties in this matter.

Respectfully,



Ian Moore
Environmental Specialist II
Ian.Moore@FLHealth.gov
772-794-7440

BOARD OF COUNTY COMMISSIONERS

OFFICE OF COUNTY ATTORNEY

Dylan Reingold, County Attorney
William K. DeBaal, Deputy County Attorney
Kate Pingolt Cotner, Assistant County Attorney



April 11, 2018

The Yates Group, LLC
Att: Dallasteen Yates, Registered Agent
3810 45th Street
Vero Beach, FL 32967

RE: Property Parcel: 31-39-29-00000-5000-00047.0

Dear Ms. Yates,

Thank you so much for returning my call this morning. Per our conversation, I am writing to you concerning the above-referenced property. As you know, there are several sanitary and public safety nuisances on the property. You were notified on February 8, 2018, of these nuisances via a formal Notice of Violation. You were notified again on February 15, 2018, February 23, 2018, and March 2, 2018, when you had a conversation with Cheryl Dunn and myself about the nuisances. Following those conference calls, you had another call with Cheryl Dunn on March 9, 2018, prior to our scheduled time, where you stated you called a licensed septic contractor to get a quote to address the nuisances. My understanding from our conversation today is at this point in time is you have several quotes from contractors but is no plan to remedy the sanitary and public safety nuisances.

In our conversation, you requested the Health Department in Indian River County (Health Department) give you time to comply with its Notice of Violation. Specifically, you asked for the same time that was given to you by the Code Enforcement Board of Indian River County. The Health Department has agreed to give you an extension. All of the nuisances need to be addressed in the following manner on or before April 20, 2018, to be in compliance with the laws of the State of Florida:

- (1) Structure A is the southernmost structure. It is currently vacant but has historically operated as a church. The septic tank has been severely damaged beyond repair because a tree is growing in it and it does not have a lid. This is a public safety nuisance. You need to hire a licensed septic contractor to abandon the tank. This is usually done by filling the tank with dirt. There are also several discharge pipes that are not connected to the sewage treatment system. These need to be addressed.

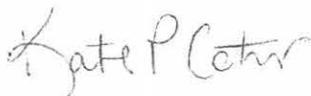
exhibit 11

- (2) Structure B- Hire a licensed septic tank contractor to replace the lid to the two septic tanks, and to pump out the two tanks every 3-4 days until you can abandon the tanks and replace them with new systems. The discharge pipes also need to be removed. There is also another option. You can vacate the structure and abandon the septic tanks until such time that you are financially able to replace the septic systems. The new system(s) will need to be permitted by the Health Department and installed by a licensed septic tank contractor before the structure can be reoccupied.
- (3) Structure C- Hire a licensed septic tank contractor to replace the lid to the septic tank, and to pump it out every 3-4 days until you can abandon the tank and replace it with a new system. The discharge pipes also need to be removed, and the area where sewage spilled onto the ground needs to be treated with Hydrate Lime. There is also another option. You can vacate the structure and abandon the septic tank until such time that you are financially able to replace the septic system. The new system will need to be permitted by the Health Department and installed by a licensed septic tank contractor before the structure can be reoccupied.
- (4) Structure D- Hire a licensed septic tank contractor to pump out and abandon the septic tank since the structure will not be occupied. The area around the drainfield where sewage spilled onto the ground needs to be treated with Hydrate Lime. The washing machine and all corresponding pipes need to be removed from the underlying property. When you are financially able to replace the septic system, it will need to be permitted by the Health Department and installed by a licensed septic tank contractor.

In addition to the sanitary nuisances with the five referenced septic tanks, there is a large pile of solid waste and unmaintained overgrown vegetation throughout the underlying property. This has (1) created conditions for rodent and roach harborage, (2) created, maintained or caused a condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases, directly or indirectly to humans, and (3) created a condition that is harmful to human and animal life, and can causes the release of air pollutants, gases, and noisome odors which are harmful to human and animal life. These solid waste piles and overgrown vegetation violate Sections 386.041(1)(a), and (e), and (f), Florida Statutes (2017). To remedy this violation, you must remove all of the debris and unmaintained overgrown vegetation from the underling property on or before May 18, 2018 (which is consistent with the Indian River County Code Enforcement order for Case number 2018020108).

Thank you in advance for your prompt attention to this matter. Please feel free to call me at (772) 226-1424 if you have any questions.

Sincerely,



Kate P. Cotner

INDIAN RIVER COUNTY
ENVIRONMENTAL CONTROL HEARING BOARD
VERO BEACH, FLORIDA

FLORIDA DEPARTMENT OF HEALTH)
IN INDIAN RIVER COUNTY)
AND INDIAN RIVER COUNTY)
ENVIRONMENTAL CONTROL OFFICER)
Petitioners)
vs.)
DALLAS AND JANE YATES)
and)
THE YATES GROUP, L.L.C.)
Respondent(S).)

AFFIDAVIT/SERVICE OF PROCESS

I hereby state under oath that I received a conversation summary letter written by the Assistant County Attorney Kate Cortner on April 11th, and a Notice of Violation to be served on Dallas and Jane Yates, and The Yates Group LLC, and that I served the same on Dallas and Jane Yates, and Dallasteen Yates, the Registered Agent for the Yates Group LLC, at 4:40 pm on the 11th Day of April, 2018 in Vero Beach, Indian River County Florida.


(X) By delivering to the above name individual a copy of the Notice of Violation with the date and hour of service endorsed thereon by me.

() By leaving a copy of the Notice of Violation with date and hour of service endorsed thereon by me at the above named individual's usual place of abode with some person then there residing fifteen (15) years of age or older.

() (For Sole Proprietor) By leaving a copy of the Notice of Violation with date and hour of service endorsed thereon by me at Respondent's place of business wit the person in charge of the business at the time after making two unsuccessful attempts to serve the Respondent at the place of business.

Dallasteen Yates
Name of Person Receiving Copy

1900 27th St, Vero Beach, FL 32960
Address Where Copy Delivered
and informing such person of the
nature of the service.


Health Representative Signature
Title: ES II

The foregoing instrument was acknowledge before me this 12th day of April, 2018 by San Marc who personally known to me and who did/did not take an oath.

exhibit 12

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My Commission Expires:



Joelle M. Tinney
Notary Public Signature
Print Name: Joelle M. Tinney