

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT

IN AND FOR VOLUSIA COUNTY, FLORIDA

APPELLATE DIVISION

AUDRIS COTTON-STUART
JERMAN WHEELER,
Appellants,

CITY OF DELTONA CODE ENFORCEMENT /
SPECIAL MAGISTRATE,
Appellee.

Lower Tribunal Case No.: DEL 26-025 A-D MASSEY
Property Address: 241 Fort Smith Blvd., Deltona, Florida

FILED
2026 AUG 17 PM 3:57
CLERK OF THE COURT
CITY OF DELTONA, FL
10032

NOTICE OF APPEAL

PURSUANT TO FLORIDA RULE OF APPELLATE PROCEDURE 9.900(a)

NOTICE IS HEREBY GIVEN that **Audris Cotton-Stuart and Jerman Wheeler**, Appellants, appeal to the Circuit Court of the Seventh Judicial Circuit, in and for Volusia County, Florida, sitting in its appellate capacity, from the final order/rendition entered by the **City of Deltona Code Enforcement Special Magistrate** in the above-referenced matter.

The order/rendition was determined and/or rendered on **July 22, 2026**.

This appeal concerns the Special Magistrate's determination regarding alleged code violations associated with the property located at:

190 Fort Smith Blvd.
Deltona, Florida

BASIS FOR APPEAL

Appellants seek appellate review of the final administrative order because Appellants contend that the decision was entered despite evidence demonstrating that the alleged violations had been corrected and/or that the property was otherwise in compliance.

Appellants further contend that the assessment of approximately **\$4,100.00** in fines, costs, or other charges is improper because the violations for which the assessment is being imposed had been complied with and/or corrected.

Appellants further contend that substantial documentary, photographic, and video evidence exists demonstrating compliance and supporting Appellants' position. Appellants respectfully request that the complete administrative record be reviewed, including all evidence presented to the Special Magistrate.

Appellants also contend that subsequent code-enforcement actions have occurred after Appellants reported alleged civil-rights violations involving the City's code-enforcement activities. Appellants believe the circumstances raise concerns regarding retaliatory enforcement and fundamental fairness.

Appellants possess and/or have access to documentation, photographs, videos, correspondence, zoning records, receipts, approvals, and other evidence that Appellants contend establishes an **apples-to-apples comparison** between the City's allegations and the actual condition and compliance status of the property.

Appellants further contend that the property received clearance/approval through the City's zoning process and that this evidence is relevant to the issues presented before the Special Magistrate.

RELIEF REQUESTED

Appellants respectfully request that the reviewing court:

1. Accept this Notice of Appeal as a timely appeal from the final administrative order/rendition entered on July 22, 2026;
2. Direct that the complete record of proceedings before the City of Deltona Code Enforcement Special Magistrate be transmitted for appellate review;
3. Review the Special Magistrate's final order and the record upon which the decision was based;
4. Determine whether the Special Magistrate departed from the essential requirements of law, failed to properly consider competent substantial evidence, or otherwise entered an order unsupported by the record;
5. Review the assessment of approximately **\$4,100.00** in fines, costs, or charges in light of the evidence of compliance;
6. Consider Appellants' evidence concerning zoning clearance/approval and other documentation relevant to the alleged violations;
7. Consider whether Appellants were afforded due process and a fair and impartial administrative proceeding; and
8. Grant such other relief as the Court determines is authorized by law and appropriate under the circumstances.

Appellants expressly reserve the right to present their arguments and supporting evidence in the appellate proceedings as permitted by the Florida Rules of Appellate Procedure.

Respectfully submitted,

AUDRIS COTTON-STUART

Appellant, Pro Se

Signature: Audris Cotton-Stuart

Date: 8-17-2026

JERMAN WHEELER

Appellant, Pro Se

Signature: Jerman Wheeler

Date: 8-17-2026

Address:

190 Fort Smith Blvd.

Deltona, Florida

Telephone: 407-963-6500 or 321-313-1994

Email: Beaverlandclearing@gmail.com

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of this Notice of Appeal has been furnished to the appropriate parties and the City of Deltona Code Enforcement/Special Magistrate as required by the Florida Rules of Appellate Procedure and applicable filing procedures.

Dated: 8-17-2026, 2026.

Audris Cotton-Stuart

Audris Cotton-Stuart

Jerman Wheeler

Jerman Wheeler

**BEFORE THE SPECIAL MAGISTRATE
OF THE CITY OF DELTONA, FLORIDA**

**CITY OF DELTONA
FLORIDA, a municipal corporation,
Petitioner,**

vs. CASE NO.: DEL 26 – 025 A-D MASSEY

**Audris Cotton-Stuart
Jerman Wheeler
190 Fort Smith Boulevard
Deltona, FL 32738
Respondents.**

ORDER IMPOSING FINE AND LIEN (MASSEY)

Findings of Fact and Conclusions of Law

THIS CAUSE was heard on July 22, 2026, before the undersigned Special Magistrate, after being duly noticed, to determine whether the previously-determined violation was timely corrected. The undersigned Special Magistrate having heard the arguments of the parties and the evidence presented and having reviewed the record and being otherwise fully advised, makes the following Findings of Fact and Conclusions of Law:

Based upon the evidence and testimony presented at this hearing under oath, the Code Enforcement Special Magistrate finds:

1. The property which is the subject of this code enforcement action is described as 8130-42-25-0230 with physical address 241 Fort Smith Boulevard, Deltona, FL 32738
2. The Respondents were properly provided a Notice of Hearing (Massey) in accordance with Section 2-112 of the City of Deltona Code of Ordinances ("City Code") and consistent with Sections 162.06 and 162.12 of the Florida Statutes.
- 3.(A) On May 27, 2026, the Special Magistrate found the Respondents in Violation of Section 66-8(26) of the City Code and issued an Order Finding Violation and Requiring Compliance ("Order").
- 3.(B) On May 27, 2026, the Special Magistrate found the Respondents in Violation of Section 18-3, adopting the latest edition, of the Florida Building Code Section 105.1, and issued an Order Finding Violation and Requiring Compliance ("Order").
- 3.(C) On May 27, 2026, the Special Magistrate found the Respondents in Violation of Section 18-3, adopting the latest edition, of the Florida Building Code Section 105.1, and issued an Order Finding Violation and Requiring Compliance ("Order").
- 3.(D) On May 27, 2026, the Special Magistrate found the Respondents in Violation of Section 38-110(b)(2) of the City Code and issued an Order Finding Violation and Requiring Compliance ("Order").

continue each and every day until the violation is corrected and full compliance is confirmed by the Code Enforcement Officer.

- 2.(D) A fine is hereby imposed in the amount of \$4,100.00 as of the hearing date, July 22, 2026, which shall continue to accrue at a rate of \$100.00 per day and shall continue each and every day until the violation is corrected and full compliance is confirmed by the Code Enforcement Officer.
3. The Respondents are further ordered to contact the Code Enforcement Officer to verify compliance with the Order, on/at the property described as Parcel No.: 8130-42-25-0230, physical address: 241 Fort Smith Boulevard, Deltona, FL 32738
4. Any and all future recurrences of the violation addressed herein after same has been corrected shall necessitate further proceedings before the Code Enforcement Special Magistrate without necessarily providing Respondents an opportunity to correct such violation. The Code Enforcement Special Magistrate, upon finding such repeat violation exists may impose a fine not to exceed five hundred dollars (\$500.00) per day for each repeat violation, beginning on the first day the repeat violation is found to exist.
5. A Certified copy of this Order may be recorded in the Public Records of Volusia County and thereafter shall constitute a lien against the subject property on which the violation exists and upon any other real or personal property owned by the Respondents. This recorded Order shall constitute notice of the lien to any subsequent purchasers, successors in interest, or assigns of all real and personal property owned by the Respondents, and the findings herein shall be binding upon the Respondents and any subsequent purchasers, successors in interest, or assigns.
6. This Order may be appealed to the Circuit Court within thirty (30) days of its execution.

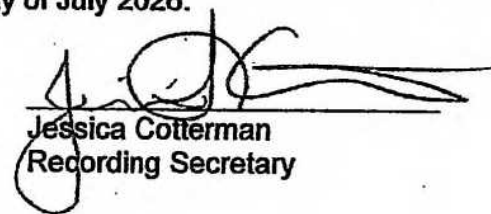
DONE AND ORDERED at City of Deltona, Florida on this 24th day of July 2026.



Judge John G. Van Laningham
Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing **ORDER IMPOSING FINE AND LIEN (MASSEY) Findings of Fact and Conclusions of Law** has been furnished by mail to: **Audris Cotton-Stuart & Jerman Wheeler 190 Fort Smith Boulevard, Deltona, FL 32738**, this 27th day of July 2026.



Jessica Cotterman
Recording Secretary

CERTIFICATION FOR RECORDING ONLY

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF DELTONA

I, _____, do hereby certify this copy of the ORDER IMPOSING FINE AND LIEN (MASSEY) Findings of Fact and Conclusions of Law for Case #DEL-26-025 (A-D), dated _____, is a true and correct photocopy of the City's record copy (Original).

By hand and the official seal of the City of Deltona on this _____ day of _____, 2026.

City Clerk or Deputy City Clerk

- 4.(A) The Respondents were ordered to correct the violation by 4:00 P.M. on June 10, 2026, which required the Respondents to remove all vehicle(s)/equipment from the undeveloped/vacant lot.
- 4.(B) The Respondents were ordered to correct the violation by 4:00 P.M. on June 26, 2026, which required the Respondents to obtain a permit for the shed/structure or remove it.
- 4.(C) The Respondents were ordered to correct the violation by 4:00 P.M. on June 26, 2026, which required the Respondents to obtain a fence permit or remove entire fence structure.
- 4.(D) The Respondents were ordered to correct the violation by 4:00 P.M. on June 10, 2026, which required the Respondents to dispose of properly or store inside an enclosed building (old tree debris and other misc. debris).
5. The Code Enforcement Officer Jeff Scott testified that he re-inspected the property for compliance on July 22, 2026, and testified and presented photographs of the following conditions that remain on the property, which constitute continuing non-compliance with the Order:
 - (A) Vehicles and equipment remain parked on undeveloped lot.
 - (B) In Compliance
 - (C) Fence remains without a permit.
 - (D) Unproperly stored debris remains on the property.
6. The Respondents were not present at the hearing.
7. The code enforcement case file was admitted as an exhibit.
8. The Respondents either failed or refused to correct the violation of City Code Section 66-8(26), Section 18-3 of the City Code Section 105.1, and Section 38-110(b)(2) within the time ordered.

BASED ON THE FOREGOING FACTS AND CONCLUSIONS, IT IS HEREBY ORDERED:

- ~~1.(A) Respondents failed to correct the violation and comply with Section 66-8(26) of the City Code within the time ordered.~~
- 1.(C) Respondents failed to correct the violation and comply with Section 18-3, Section 105.1 of the City Code within the time ordered.
- 1.(D) Respondents failed to correct the violation and comply with Section 38-110(b)(2) of the City Code within the time ordered.
- 2.(A) A fine is hereby imposed in the amount of \$4,100.00 as of the hearing date, July 22, 2026, which shall continue to accrue at a rate of \$100.00 per day and shall continue each and every day until the violation is corrected and full compliance is confirmed by the Code Enforcement Officer.
- 2.(C) A fine is hereby imposed in the amount of \$2,500.00 as of the hearing date, July 22, 2026, which shall continue to accrue at a rate of \$100.00 per day and shall