

BEFORE THE SPECIAL MASTER
IN AND FOR HERNANDO COUNTY, FLORIDA

HERNANDO COUNTY, a political
subdivision of the State of Florida,
Plaintiff,

INSTR #2022032330 BK: 4162 PG: 830 Page 1 of 2
FILED & RECORDED 4/28/2022 11:46 AM CWV Deputy Clk
Doug Chorvat, Jr., HERNANDO County Clerk of the Circuit Court
Rec Fees: \$18.50

vs.

Case No. 2021-25482

MELISSA NEWBERRY,
Defendant.

SPECIAL MASTER'S ORDER

THIS MATTER came before the Special Master for hearing on October 6, 2021, after notice to the Defendant, on Citation #25482-H issued by the Plaintiff, HERNANDO COUNTY ANIMAL SERVICES, 19450 Oliver St., Brooksville, Florida 34601, to the Defendant, MELISSA NEWBERRY, 7307 Westview Court, Weeki Wachee, FL 34613. The citation, with the date and time of the hearing inscribed thereon, was mailed to the Defendant by certified mail, return receipt requested and was Covid 19 delivered at the Defendant's address. The Defendant appeared pro se and the Plaintiff was represented by KYLE J. BENDA, ESQ., Assistant Hernando County Attorney.

A hearing was conducted by the Special Master into the allegations brought by the Plaintiff. The Plaintiff presented witnesses and evidence and the Defendant was afforded an opportunity to cross examine those witnesses, review the evidence presented, and present witnesses and evidence on her own behalf. The Defendant argued on her own behalf.

At the beginning of the hearing the Defendant stated that the pen for her pig, a Woodpine Rooter, was put together piece by piece. Beginning today she is building a new big pen that fits the pig's size.

UPON THESE FINDINGS, it is therefore ORDERED:

1. Regarding citation #25828-H and the charge of having one public nuisance animal, the Defendant, MELISSA NEWBERRY, is found GUILTY of having one public nuisance animal in violation of Hernando County Code of Ordinances Section 6-26.

a) Because the Defendant is working to correct the situation the fine for this violation is withheld.

2. That pursuant to authority granted by Chapter 2, Article III, Section 2-54(k) of the Hernando County Code of Ordinances and Section 162.09(2)(d), Florida Statutes, the Defendant is hereby ordered to pay administrative and investigative costs on behalf of the Animal Services Department in the amount of \$35.00, on behalf of the County Attorney in the amount of \$70.00, and certified mailing costs in the amount of \$15.10 payable to the Hernando County Animal Services Department.

3. **The total of penalties and costs due and payable to the Plaintiff, Hernando County Animal**

Services Department, 19450 Oliver St., Brooksville, Florida 34601 is \$120.10. This order shall bear interest at the legal rate established pursuant to Section 55.01, Florida Statutes, beginning 30 days after the clerk signs this order, FOR WHICH LET EXECUTION NOW ISSUE. In the event that this Special Master's Order is recorded in the public records pursuant to paragraph 4, herein, Hernando County shall be entitled to collect for their actual costs of recording this Order and a Satisfaction, which additional costs shall be added to the total of penalties and costs stated herein.

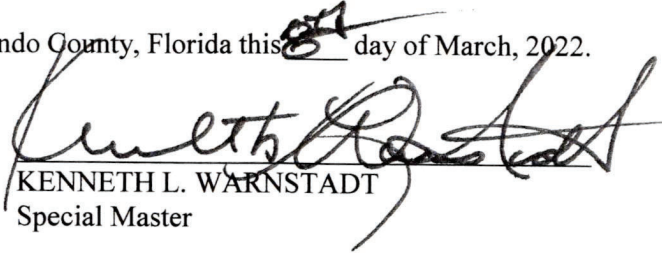
4. If the Defendant fails to comply with this Order within 30 days, pursuant to Section 10 of Ordinance 2004-09, Hernando County Code of Ordinances, a certified copy of this Order shall be recorded in the public records of Hernando County, Florida and wherever else the Defendant may live or own property and thereafter shall constitute a lien against real and personal property owned by the Defendant.

REQUESTS FOR FURTHER REVIEW shall be addressed as follows:

An aggrieved party, including the local governing body, may appeal a decision of the Special Master to the Circuit Court. Such appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Special Master. An appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

YOU ARE FURTHER advised that if you decide to seek further review of any decision made by the Special Master with respect to any matter considered at such hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the further review is to be based. Production of verbatim transcripts shall be the responsibility and at the personal expense of the party seeking review of the Special Master's Order.


DONE AND ORDERED at Brooksville, Hernando County, Florida this 8th day of March, 2022.

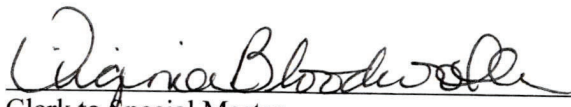

KENNETH L. WARNSTADT
Special Master

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Special Master's Order has been sent by Regular U.S. Mail and certified mail, return receipt requested, to MELISSA NEWBERRY, 7307 Westview Court, Weeki Wachee, FL 34613 and by Courthouse Mail to Hernando County Animal Services, 19450 Oliver St., Brooksville, FL 34601 on March 17, 2022.

Pursuant to Section 119.07, Florida Statutes as amended from time to time, as Record Custodian for this document, I hereby certify that this is a true and correct copy of the original document on file.

Record Custodian: 
Print Name: Virginia Bloodworth
Date: 4.19.2022
Hernando County Government, Brooksville, FL
Department/Office: County Attorney's Office


Clerk to Special Master